

CITY OF HOBOKEN
PLANNING BOARD

----- X
REGULAR MEETING OF THE HOBOKEN :March 4, 2014
PLANNING BOARD : 7:08 p.m.
----- X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Chairman Gary Holtzman
- Vice Chair Frank Magaletta
- Commissioner Stephen Marks
- Commissioner Brandy Forbes
- Commissioner Ravi Bhalla
- Commissioner Ann Graham
- Commissioner Rami Pinchevsky
- Commissioner Dan Weaver
- Commissioner Sasha Conroy

A L S O P R E S E N T:

- David Glynn Roberts, AICP/PP, LLA, RLA
Board Planner
- Andrew R. Hipolit, PE, PP, CME
Board Engineer
- Patricia Carcone, Board Secretary

PHYLLIS T. LEWIS
CERTIFIED SHORTHAND REPORTER
CERTIFIED REALTIME REPORTER
Phone: (732) 735-4522

1 A P P E A R A N C E S:

2 DENNIS M. GALVIN, ESQUIRE
3 730 Brewers Bridge Road
4 Jackson, New Jersey 08527
5 (732) 364-3011
6 Attorney for the Board.

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

I N D E X

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

PAGE

BOARD BUSINESS

1

1400 Hudson, Hudson Tea Building E

12

Executive Session

203

1 CHAIRMAN HOLTZMAN: Okay. Guys, we are
2 going to get started.

3 I would like to call the meeting to
4 order. It is 7:08 on Tuesday, March 4th. This is
5 the Hoboken Planning Board Meeting.

6 I would like to advise all of those
7 present that notice of this meeting has been
8 provided to the public in accordance with the
9 provisions of the Open Public Meetings Act, and that
10 notice was published in The Jersey Journal and on
11 the city's website. Copies were also provided to
12 The Star-Ledger, The Record, and also placed on the
13 bulletin board in the lobby of City Hall.

14 Pat, could you call the roll?

15 MS. CARCONE: Commissioner Holtzman?

16 CHAIRMAN HOLTZMAN: Here.

17 MS. CARCONE: Commissioner Magaletta?

18 VICE CHAIR MAGALETTA: Here.

19 MS. CARCONE: Commissioner Marks?

20 COMMISSIONER MARKS: Present.

21 MS. CARCONE: Commissioner Forbes?

22 COMMISSIONER FORBES: Here.

23 MS. CARCONE: Commissioner Bhalla?

24 COMMISSIONER BHALLA: Here,

25 MS. CARCONE: Commissioner Graham?

1 COMMISSIONER GRAHAM: Here.

2 MS. CARCONE: Commissioner Mosseri is
3 not here.

4 Commissioner Pinchevsky is not here.

5 Commissioner Weaver is not here.

6 Commissioner Conroy?

7 COMMISSIONER CONROY: Here.

8 CHAIRMAN HOLTZMAN: Great. Okay. We
9 are all set there.

10 The first -- we have a couple of first
11 paperwork housekeeping items to take care of. The
12 first item is completing our reorganization of the
13 Planning Board. Let me see here.

14 The first item we have is all of our
15 packets contained a set of bylaws, which hopefully
16 people have had an opportunity to at least give it a
17 read-through and to see if there are any questions,
18 comments or changes that we wanted to make to our
19 bylaws.

20 Frank, I know that there were people
21 that were asked to send comments to you.

22 Is there anything that you wanted to
23 address?

24 VICE CHAIR MAGALETTA: No. Actually
25 nobody said anything to me at this point, but when

1 they do, I will address it. And before the next
2 meeting, I will have a draft for you to review.

3 CHAIRMAN HOLTZMAN: Great.

4 COMMISSIONER GRAHAM: Can I just ask a
5 question, please?

6 CHAIRMAN HOLTZMAN: Sure, of course.

7 COMMISSIONER GRAHAM: Are these the
8 same that we had before or are they new?

9 CHAIRMAN HOLTZMAN: These are the same
10 that we had before, but Dennis had suggested that we
11 just sort of, you know, give it a new read to make
12 it good form to make an adoption of it every year.

13 COMMISSIONER GRAHAM: That is
14 important. I read them, but I just didn't know --
15 it would be helpful to say, this is the same or not
16 the same.

17 VICE CHAIR MAGALETTA: This is the
18 current form. I will say I looked at it already,
19 and one of the statutes referred to has already been
20 repealed, so it has --

21 COMMISSIONER GRAHAM: I'm sorry. I
22 couldn't hear you.

23 VICE CHAIR MAGALETTA: -- one of the
24 statutes that's referenced has been repealed, so
25 this has to be updated to reflect that.

1 COMMISSIONER GRAHAM: Okay. Thank you.

2 CHAIRMAN HOLTZMAN: Good. All right.

3 The second item is the appointment of
4 Maser Consulting as our Board Engineer and of
5 Remington Vernick as our conflict engineer.

6 Are there any questions or comments on
7 this resolution?

8 Is there a motion to accept this
9 resolution?

10 COMMISSIONER MARKS: Motion.

11 CHAIRMAN HOLTZMAN: Is there a second?

12 VICE CHAIR MAGALETTA: Second.

13 CHAIRMAN HOLTZMAN: Pat, call the vote.

14 MS. CARCONE: This is for the Board
15 Engineer.

16 CHAIRMAN HOLTZMAN: Board Engineer,
17 yes.

18 MS. CARCONE: Commissioner Magaletta?

19 VICE CHAIR MAGALETTA: Yes.

20 MS. CARCONE: Commissioner Marks?

21 COMMISSIONER MARKS: Aye.

22 MS. CARCONE: Commissioner Forbes?

23 COMMISSIONER FORBES: Yes.

24 MS. CARCONE: Commissioner Bhalla?

25 COMMISSIONER BHALLA: Yes.

1 MS. CARCONE: Commissioner Graham?

2 COMMISSIONER GRAHAM: Yes.

3 MS. CARCONE: Commissioner Weaver?

4 COMMISSIONER WEAVER: Yes.

5 MS. CARCONE: Commissioner Conroy?

6 COMMISSIONER CONROY: Yes.

7 MS. CARCONE: Commissioner Holtzman?

8 CHAIRMAN HOLTZMAN: Yes.

9 The second resolution we have for the
10 Board, this is for the appointment of Maser
11 Consulting as our Board Planner.

12 Were there any additional questions or
13 comments on this resolution?

14 Is there a motion?

15 COMMISSIONER BHALLA: Motion.

16 CHAIRMAN HOLTZMAN: Second?

17 COMMISSIONER MARKS: Second.

18 CHAIRMAN HOLTZMAN: Pat, call the vote.

19 MS. CARCONE: Commissioner Magaletta?

20 VICE CHAIR MAGALETTA: Yes.

21 MS. CARCONE: Commissioner Marks?

22 COMMISSIONER MARKS: Aye.

23 MS. CARCONE: Commissioner Forbes?

24 COMMISSIONER FORBES: Yes.

25 MS. CARCONE: Commissioner Bhalla?

1 COMMISSIONER BHALLA: Yes.

2 MS. CARCONE: Commissioner Graham?

3 COMMISSIONER GRAHAM: Yes.

4 MS. CARCONE: Commissioner Weaver?

5 COMMISSIONER WEAVER: Yes.

6 MS. CARCONE: Commissioner Conroy?

7 COMMISSIONER CONROY: Yes.

8 MS. CARCONE: Commissioner Holtzman?

9 CHAIRMAN HOLTZMAN: Yes.

10 (Commissioner Weaver present.)

11 CHAIRMAN HOLTZMAN: The third item here

12 is a resolution adopting and designating The Jersey

13 Journal as the official newspaper.

14 Any questions or comments on this

15 resolution?

16 Is there a motion?

17 VICE CHAIR MAGALETTA: Motion.

18 CHAIRMAN HOLTZMAN: Second?

19 COMMISSIONER WEAVER: Second.

20 CHAIRMAN HOLTZMAN: Pat, call the vote.

21 MS. CARCONE: Commissioner Magaletta?

22 VICE CHAIR MAGALETTA: Yes.

23 MS. CARCONE: Commissioner Marks?

24 COMMISSIONER MARKS: Aye.

25 MS. CARCONE: Commissioner Forbes?

1 (Commissioner Pinchevsky present.)

2 COMMISSIONER FORBES: Yes.

3 MS. CARCONE: Commissioner Bhalla?

4 COMMISSIONER BHALLA: Yes.

5 MS. CARCONE: Commissioner Graham?

6 COMMISSIONER GRAHAM: Yes.

7 MS. CARCONE: Commissioner

8 Pinchevsky -- oh, he just arrived. All right.

9 MS. CARCONE: Commissioner Weaver?

10 COMMISSIONER WEAVER: Yes.

11 MS. CARCONE: Commissioner Conroy?

12 COMMISSIONER CONROY: Yes.

13 MS. CARCONE: Commissioner Holtzman?

14 CHAIRMAN HOLTZMAN: Yes.

15 I would also like the Commissioners to
16 know that we also have letters going out to all of
17 the planning and engineering firms that did make
18 submissions to the Board acknowledging receipt of
19 their application and just explaining how many
20 people we did have that made application and what
21 the process was and what the results were, so at
22 least everybody will be notified, and we greatly
23 appreciated their efforts in making the
24 applications.

25 The last resolution that we have before

1 us is also 420 Adams.

2 Were there any questions or comments on
3 this resolution?

4 Is there a motion on the floor to
5 accept the resolution as drafted?

6 COMMISSIONER BHALLA: Motion.

7 CHAIRMAN HOLTZMAN: Second?

8 COMMISSIONER FORBES: Second.

9 CHAIRMAN HOLTZMAN: Great.

10 Pat, could you call the vote, please?

11 MS. CARCONE: Commissioner Magaletta?

12 VICE CHAIR MAGALETTA: Yes.

13 MS. CARCONE: Commissioner Marks?

14 COMMISSIONER MARKS: Aye.

15 MS. CARCONE: Commissioner Forbes?

16 COMMISSIONER FORBES: Yes.

17 MS. CARCONE: Commissioner Bhalla?

18 COMMISSIONER BHALLA: Yes.

19 MS. CARCONE: Commissioner Graham?

20 COMMISSIONER GRAHAM: Yes.

21 MS. CARCONE: Commissioner Conroy?

22 COMMISSIONER CONROY: Yes.

23 MS. CARCONE: Commissioner Holtzman?

24 CHAIRMAN HOLTZMAN: Yes. Thank you.

25 (Continue on next page.)

CITY OF HOBOKEN
PLANNING BOARD

- - - - - X
 1400 Hudson, Hudson Tea Building E :March 4, 2014
 Block 269.03, Lot 1 :
 Applicant: Toll Brothers, Inc. :
 (Carried from 2/4/14) :
 Amended Final Site Plan : 7:15 p.m.
 - - - - - X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Chairman Gary Holtzman
- Vice Chair Frank Magaletta
- Commissioner Stephen Marks
- Commissioner Brandy Forbes
- Commissioner Ravi Bhalla
- Commissioner Ann Graham
- Commissioner Rami Pinchevsky
- Commissioner Dan Weaver
- Commissioner Sasha Conroy

A L S O P R E S E N T:

- David Glynn Roberts, AICP/PP, LLA, RLA
Board Planner
- Andrew R. Hipolit, PE, PP, CME
Board Engineer
- Patricia Carcone, Board Secretary

PHYLLIS T. LEWIS
CERTIFIED SHORTHAND REPORTER
CERTIFIED REALTIME REPORTER
Phone: (732) 735-4522

1 A P P E A R A N C E S:

2 DENNIS M. GALVIN, ESQUIRE
3 730 Brewers Bridge Road
4 Jackson, New Jersey 08527
5 (732) 364-3011
6 Attorney for the Board.

7 DRINKER, BIDDLE & REATH, LLP
8 500 Campus Drive
9 Florham Park, New Jersey 07932
10 (973) 549-7218
11 BY: GLENN S. PANTEL, ESQ.,
12 Attorneys for the Applicant.

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

I N D E X

1		
2	WITNESS	PAGE
3	TODD M. HAY	19
4	PETER DE WITT	103
5	THOMAS S. CARMAN	148

E X H I B I T S

6			
7	EXHIBIT NO.	DESCRIPTION	PAGE
8	A-1	Truck Turning Exhibit	49
9	N-1	Agreement, 12/3/97	96
	A-2	2014 Colored Elevation	108
10	A-3	2007 Elevation	108
	A-4	Flood Panel Attachment	109
11	A-5	Height of Retail Sills	110
	A-6	Colored Composite Roof Plan	111
12	A-7	Colored composite Landscape Plan	149
	A-8	Street Level Landscape Plan	150
13	A-9	View from intersection	154
	A-10	Fourth Floor Plan	179
14	A-11	Seventh Floor Plan	190
	A-12	Rooftop with Pool Plan	192
15	A-13	12th Floor Plan	195

16

17

18

19

20

21

22

23

24

25

1 CHAIRMAN HOLTZMAN: Okay. Our hearing
2 this evening is for 1400 Hudson, Hudson Tea
3 Building, Building E.

4 Mr. Pantel, are you ready for us, sir?

5 MR. PANTEL: Yes, sir. We are ready,
6 sir.

7 CHAIRMAN HOLTZMAN: Could somebody in
8 the back of the room just close the back door, so we
9 can kind of keep the volume down?

10 Thank you.

11 Good evening.

12 MR. PANTEL: Good evening.

13 CHAIRMAN HOLTZMAN: Good evening.

14 MR. PANTEL: Thank you very much.

15 For the record, my name is Glenn Pantel
16 from the law firm of Drinker, Biddle & Reath. We
17 are the attorneys for the applicant on this
18 application before you this evening --

19 MR. GALVIN: Could you do me a favor,
20 could you like kick it up like five notches on the
21 volume, please?

22 (Laughter)

23 MR. PANTEL: Yes.

24 MR. GALVIN: Thank you.

25 MR. PANTEL: For the record, my name is

1 Glenn Pantel. I am the attorney for the applicant
2 from the law firm of Drinker, Biddle & Reath.

3 This is, as you correctly noted, an
4 application for amended site plan approval for the
5 building known as "Building E" within Block 269.3
6 Lot 1, located at 1400 Hudson Street, part of the
7 project commonly known, of course, as Hudson Tea or
8 Hoboken Cove.

9 The impetus behind the application is
10 essentially twofold: One, it is intended to bring
11 the project into compliance with the applicable DEP
12 requirements, which came to pass following Sandy,
13 and we feel that we have with us our engineer
14 tonight, Todd Hay, who will address the particulars
15 of the plan in that regard.

16 We were very pleased to have had the
17 opportunity to work with the city's engineer and
18 flood plain administrator with respect to those
19 aspects of the plan that fell within their purview,
20 and we are gratified to receive favorable reports
21 from them with respect to the modifications of the
22 plan intended to mitigate flood impacts, and as I
23 said, to bring the project into compliance with not
24 only, of course, DEP, but also the city standards,
25 number one.

1 Secondly, there are a handful of
2 architectural revisions that have been made to the
3 plan to combine, for instance, two residential
4 lobbies into a single lobby, to create better
5 efficiency in the circulation plan for the building.

6 We have actually increased the size of
7 some of the residential units within the project,
8 not increasing the number of units. The project was
9 previously approved at 236 units, and it remains at
10 236 units. As a result of our increasing the size
11 of the units, an additional floor is proposed for a
12 portion of the project.

13 We are still in compliance with all
14 applicable zoning requirements. There are no
15 variances being sought in connection with the
16 application.

17 To be noted additionally, with respect
18 to architectural changes, we have increased common
19 areas for the enjoyment of future residents within
20 the building. We relocated the swimming pool from
21 the fourth floor to the top of the ninth floor to
22 provide, where the prior pool was proposed, again,
23 more common area for enjoyment of the residents.

24 There have been certain revisions made
25 to the pocket park at the corner of 15th and Hudson

1 Street. Generally speaking, there has been a lot of
2 attention paid in the redesign of the project
3 towards implementation of measures, which would be
4 consistent with the various goals expressed by the
5 city in its master plan, and it's articulated in the
6 objectives intended to reduce flood impacts via
7 retention areas, use of swales, that you will hear
8 about in more detail from our engineer.

9 We think this is an eminently
10 approvable plan, a plan which will enhance this
11 project as a benefit to its future residents, as
12 well as to the existing community.

13 The experts that we have with us for
14 testimony on the application include our engineer,
15 Todd Hay, of Pennoni Associates; our architect,
16 Peter DeWitt, who has been before this Board
17 previously in connection with the application, and
18 Tom Carman, our landscape architect, who likewise
19 has appeared before this Board in the past.

20 So if there are no questions at this
21 point, what I would like to do is proceed with the
22 testimony from Mr. Hay.

23 CHAIRMAN HOLTZMAN: Certainly.
24 Proceed, please.

25 MR. PANTEL: Great. Thank you very

1 much.

2 MR. GALVIN: Are you all set, sir?

3 MR. HAY: Yes, I am.

4 MR. GALVIN: Raise your right hand.

5 Do you swear to tell the truth, the
6 whole truth, and nothing but the truth, so help you
7 God?

8 MR. HAY: I do.

9 T O D D M. H A Y, PE, CPWM, CME, Pennoni
10 Associates, Inc., 106 Fieldcrest Avenue, Edison, New
11 Jersey, having been duly sworn, testified as
12 follows:

13 MR. GALVIN: State your full name for
14 the record and spell your last name.

15 THE WITNESS: Sure. It's Todd M. Hay,
16 H-a-y.

17 MR. GALVIN: Thank you, sir.

18 Credentials, please?

19 THE WITNESS: Sure. Bachelor of
20 Science --

21 MR. GALVIN: Let me just say this. You
22 have appeared before this Board previously, isn't
23 that correct?

24 THE WITNESS: Yes, I have. Yes, sir.

25 MR. GALVIN: So would we accept his

1 credentials as a professional engineer?

2 CHAIRMAN HOLTZMAN: Yes.

3 MR. GALVIN: You may proceed.

4 MR. PANTEL: As you go through your
5 testimony, it would be helpful if you could identify
6 the different exhibits that were marked starting
7 with A-1 along with --

8 THE WITNESS: Essentially for the Board
9 today, I really have put one exhibit, that is the
10 layout plan, and knowing the plans backwards and
11 forwards and dealing with your professionals as
12 well, it will save time for me. I am going to try
13 and best describe what is exactly going on, you
14 know, with our proposal for this application.

15 The exhibit I have before you is
16 actually Sheet ZS-1001, and that sheet is the site
17 plan, and the latest revision date on that is
18 January 21st, 2014.

19 MR. PANTEL: Is that exactly the same
20 as the sheet previously submitted to the Planning
21 Board?

22 THE WITNESS: Yes.

23 MR. PANTEL: So do you want that marked
24 as an exhibit? Perhaps not if --

25 MR. GALVIN: That was previously

1 submitted, correct?

2 THE WITNESS: Yes.

3 MR. GALVIN: So it doesn't need to be
4 marked.

5 Move along.

6 MR. PANTEL: Thank you.

7 Please proceed to explain to the Board
8 the nature of the revisions that were made to the
9 plan to address the flooding impacts and any other
10 site engineering aspects of the project that I just
11 previously alluded to.

12 THE WITNESS: No problem.

13 Well, essentially what the site plan
14 shows is a 12-story, 236 units. It is a mixed-use
15 building with a parking garage. As everybody is
16 aware, it is bounded by Washington Street, as well
17 as Hudson Street and 14th Street.

18 What we have basically proposed is
19 essentially a new building within our property, and
20 on the side of the property we have actually
21 prepared essentially details as well as improvements
22 along Washington Street, as well as a portion of
23 15th Street, and then an extensive portion of Hudson
24 Street both on our side of the street as well as the
25 side of the shipyards.

1 Then you also have a small portion of
2 the 14th Street at the corner of 14th Street and
3 Hudson Street, which we propose as that being the
4 street scape improvements. What we essentially are
5 showing on Hudson Street, as our attorney alluded
6 to, is that on Hudson Street we are actually making
7 an improvement by actually raising the street.

8 There are a couple of reasons why we
9 are actually doing that. The main reason is that we
10 are trying to alleviate a local flood condition that
11 exists at the corner of 15th Street and Hudson
12 Street. That current condition is a set of two --
13 essentially two inlets, as well as piping that goes
14 over to the northeastern side of 14th -- 15th Street
15 and then outlets into the cove.

16 Essentially what we realized with that
17 localized flooding condition is that we had an
18 opportunity to improve the conveyance of local flood
19 conditions, that being the two-year storm and the
20 ten-year storm by basically going ahead and
21 proposing a set of inlets. A set of inlets not just
22 in the location of where there are now, but with the
23 road being raised, but also upstream towards the
24 center portion of Hudson Street mid block between
25 15th Street and 14th Street.

1 What we have essentially shown and what
2 we have discussed with your professionals is that
3 the net result in terms of the amount of cubic feet
4 that you will find in terms of water that is
5 essentially attenuated, not put into that system on
6 the 15th Street side, is nearly 1348 cubic yards on
7 the two-year system. And then when you look at the
8 ten-year system, it is essentially 1235 cubic feet.

9 Now, how is that all dissipated?

10 Well, by raising the road, there are a
11 couple of features that the Board should be aware of
12 that we have proposed.

13 First of all, starting at the building,
14 when you look at the building, and when the
15 architect, the landscape architect, gets into more
16 details, they are actually looking at rooftop
17 gardens, which have essentially a system where they
18 soak up the water, and that actually brings us a
19 credit in terms of the amount of stormwater that was
20 hitting the site originally and now hitting the
21 building.

22 MR. PANTEL: So that's a change to the
23 plan, part of the bioretention system?

24 THE WITNESS: Well, yes.

25 It's essentially looking at the entire

1 stormwater system starting at the top of the
2 building and then going into -- staying within the
3 site. Within the site itself, there are also a
4 series of pipes that actually attenuate the water,
5 so that the amount of water that's coming off site
6 is actually less both in quantity and flow, and that
7 also means that the amount of water that's going
8 through 15th Street, as well as to 14th Street has
9 been attenuated.

10 So when you get to 15th Street and 14th
11 Street, with 14th Street, the fact is that the
12 reduction on the stormwater based on the amount of
13 water that's being attenuated away, now you are
14 diverting it into a system that essentially is going
15 to go to 15th Street. You are going to see a
16 reduction of 375 cubic feet on a two-year storm, and
17 then on a ten-year storm you will see a reduction of
18 546 cubic feet. That is a significant amount of
19 water. It is even more significant on the 15th
20 Street side, and the reason being is that there is a
21 couple of different aspects.

22 One of the things that has been looked
23 at by both the DEP and by really EPA has been looked
24 at as green infrastructure, and green infrastructure
25 means finding a way within certain target cities to

1 set up a system where you can introduce best
2 management practices both from infiltrating the
3 water into non structural systems, as well as
4 structural systems, and finding some value in terms
5 of bringing more green into that area.

6 Working with your professionals and
7 working with the revisions that we made, we actually
8 put in more green areas into essentially this
9 corridor between 15th Street and 14th Street.

10 So what is going to happen is that
11 water that is going to go ahead and hit the sidewalk
12 is essentially going to go into these systems, water
13 quality system, that will essentially go ahead and
14 essentially take out the particulates and allow
15 clean water to go into header pipes as well as into
16 the ground, okay?

17 Then you also have a system, where
18 water that goes into Hudson Street, will also go
19 into the system and essentially -- basically to
20 pretreat the water, and that is one of the things
21 that's being encouraged by green infrastructure, and
22 that's why it's being proposed here.

23 The other aspect is --

24 MR. PANTEL: You are saying essentially
25 improving quality of water runoff as well as

1 reducing quantity?

2 THE WITNESS: That is correct.

3 And one of the other aspects of
4 reducing quantity, as well as one of the things that
5 was encouraged by a green stormwater infrastructure
6 is the water that actually hits the sidewalk and
7 goes through the sidewalk because you have basically
8 permeable pavement, and that could be pavement that
9 allows for infiltration of water into the system.

10 We talked to your professionals, and
11 there probably will be some more requirements that
12 will need to be made, but essentially what we have
13 done that differs from this plan, what we will be
14 doing is there will be more green areas, more areas
15 to allow the water to get in to pretreat it before
16 it goes into a conveyance system.

17 The other aspect is that runs basically
18 mid block to the corner of 15th Street and Hudson
19 Street is essentially more piping. You will have a
20 larger piping network, and that can hold a lot more
21 water during the two and ten-year systems, and that
22 is really the beauty of the system, and that is
23 being encouraged not just by your flood control
24 ordinance, but by the State and also by essentially
25 the feds.

1 MR. PANTEL: Does the plan exceed the
2 new applicable DEP requirements?

3 THE WITNESS: Yes. It exceeds them by
4 a lot. A lot of developers and applicants will come
5 into you and say, well, we don't have to go ahead
6 and propose the system.

7 However, we felt it was the best
8 proposed system by putting the rooftop gardens in,
9 and by putting the piping in that's below the
10 building, and by going ahead putting in off-track
11 improvement piping, as well as a storage
12 opportunity --

13 CHAIRMAN HOLTZMAN: I just have one
14 question here that I want to jump in. It is a
15 language issue.

16 Specifically Mr. Hay is referring to
17 rooftop gardens. The word "gardens," let's be
18 specific about that.

19 Are we are talking about green roof
20 sedum-type roofs and/or roofs that have some type of
21 a lush pretty garden atmosphere?

22 Can we be specific about that? Just to
23 make sure we are working on the same language.

24 THE WITNESS: Yes, Mr. Chairman.
25 Essentially rooftop gardens is a

1 combination of different species that actually has a
2 capacity to be successful to soak up a certain
3 amount of water during a certain storm.

4 CHAIRMAN HOLTZMAN: Because you have a
5 number of different elements up on your roofs, you
6 have some of these green rooftop elements. Then
7 there are some planted roofs, where there are decks
8 and pools and things like that.

9 THE WITNESS: We're talking about the
10 actual greenery, correct, yes, Mr. Chairman.

11 CHAIRMAN HOLTZMAN: Okay.

12 MR. HIPOLIT: If not, it would be like
13 Hawaii up there.

14 CHAIRMAN HOLTZMAN: Right.

15 MR. PANTEL: Our landscape architect
16 will put a little more flesh on that.

17 THE WITNESS: Mr. Chairman, one other
18 aspect in talking about the greenery in terms of
19 other, you know, aspects of this design that we
20 looked at to capture stormwater and to actually go
21 ahead and try to meet and exceed a BMP.

22 We actually introduced -- this is
23 something that the landscape architect will give you
24 more detail on, and essentially a rain garden, a
25 rain garden at the northeast corner of the property.

1 And what that will do is that will actually allow
2 water to basically get into the soil, filtrate any
3 type of particulates and then get into eventually an
4 outlet into the storm system. So there is, again,
5 there is another measure that we are introducing to
6 this, not just at the rooftop level, but also at the
7 ground level.

8 MR. PANTEL: Okay.

9 CHAIRMAN HOLTZMAN: Is that the
10 conclusion of Mr. Hay's testimony?

11 MR. PANTEL: Yes.

12 CHAIRMAN HOLTZMAN: Do any of the
13 Commissioners have any questions for Mr. Hay at this
14 time?

15 COMMISSIONER FORBES: I do.

16 There's a couple of things. One is you
17 mentioned the rain garden and the installation of
18 that. Have you considered the maintenance of that
19 rain garden and who would be responsible for that?

20 THE WITNESS: The rain garden that's
21 located on our property, it would be our
22 responsibility.

23 COMMISSIONER FORBES: Then the other --
24 you had mentioned with the sidewalk, that there
25 would be more green, so it would capture the water

1 or slow the water. Is that greenery, or is it just
2 sustainable materials?

3 You know, so you said like the
4 permeable pavement perhaps might be one, but I just
5 want to make sure that, you know, that we are not
6 sitting here thinking the wrong thing, and you know,
7 similarly that it is not just going to be this
8 really plush green area, but what does that mean?

9 THE WITNESS: Not at all.

10 You know, if I had the exhibit, I would
11 actually -- I'll probably have the landscape
12 architect expound on what type of species and what
13 type of ground cover you are going to have before
14 you get to the Filterra system, which is a system
15 that's approved by the DEP, that goes ahead and
16 basically filters out particulates.

17 So that is more of a landscape issue,
18 but it was something that we had to look at as civil
19 engineers to get a better understanding of how much
20 total suspended solid removal can we have and what
21 benefit can we bring to the City of Hoboken.

22 MR. HIPOLIT: Can I just ask you one
23 question?

24 THE WITNESS: Sure.

25 MR. HIPOLIT: You are going to take

1 responsibility of the rain garden. Who is taking
2 responsibility of the drain system in the street?

3 THE WITNESS: Well, you know, that is a
4 million-dollar question.

5 I could tell you that from my
6 understanding, you know, the street obviously is
7 owned by the city. The system in terms of
8 maintenance is very low maintenance. We offered
9 actually a maintenance and operation plan outside of
10 our stormwater plan. That was one of the other
11 revisions that we offered, but that would be
12 undertaken by the city.

13 MR. PANTEL: It will be within the
14 city's right of way.

15 THE WITNESS: Correct.

16 MR. HIPOLIT: That is okay, if it is in
17 the city's right-of-way. I mean, I have plenty of
18 towns where drain systems are in the right-of-way.
19 No disrespect to the city, but we have enough
20 trouble keeping up our own stuff. We don't need
21 another additional item.

22 I think my recommendation to the Board
23 would be that the applicant maintain or keep that
24 system clean inside of the city's right-of-way. I
25 mean, you have to make that decision, but that's my

1 recommendation. You don't need something else to
2 take of.

3 CHAIRMAN HOLTZMAN: We will keep it on
4 the condition list.

5 MR. PANTEL: We will take that under
6 advisement.

7 CHAIRMAN HOLTZMAN: So, Brandi, we will
8 revisit that with the landscape architect, and we
9 will get some greater details on that.

10 Any other Commissioners have any
11 questions for this testimony at this time?

12 We can certainly revisit it later.

13 Is there anyone in the public that has
14 any questions that are specific to the testimony
15 that Mr. Hay has just given us?

16 MS. QUINT: Yeah, I would like --

17 CHAIRMAN HOLTZMAN: Why don't you come
18 forward, ma'am. I'm sorry, ma'am. Can you just
19 forward, so we can all hear you?

20 Give your name to the court reporter,
21 please.

22 MS. QUINT: My name is Cynthia Quint.

23 I live at 1500 Hudson.

24 MR. GALVIN: Spell your last name.

25 MS. QUINT: Q-u-i-n-t.

1 MR. GALVIN: Thank you.

2 MS. QUINT: So what -- you know, as a
3 lay person, I am trying to understand exactly what
4 you said. In terms of raising the street, okay, so
5 if you raise the street, Hudson Street, right?

6 THE WITNESS: That's correct, yes.

7 MS. QUINT: Well, then what happens to
8 15th? Is all of the water then going to come in
9 that direction or --

10 THE WITNESS: No --

11 MS. QUINT: -- if you raise one area
12 and the other area is beneath it --

13 THE WITNESS: -- no.

14 As a matter of fact, the way right now
15 that Hudson Street sits, as you well know, the low
16 point is actually closest to 15th Street.

17 What is happening is that you are still
18 maintaining a low point, okay? The low point is
19 being raised, so it alleviates that one single low
20 point, where you could have a deluge of water during
21 a two or ten-year storm and gives you an opportunity
22 to go ahead and put in piping, okay, that would run
23 from a new set of storm drains.

24 You are talking about approximately 12
25 inches that would run from the north side of Hudson

1 Street all the way to mid block on Hudson Street, so
2 you are actually taking whatever water that you lost
3 when you raised the road, and you are putting it
4 through that system as well as a new set of basins
5 that are mid block. So the water that was hitting
6 this is actually being attenuated up a block --

7 MR. PANTEL: When you say "hitting
8 this," you mean the intersection of 15th and Hudson?

9 THE WITNESS: Yes, I apologize.

10 At mid block between 15th and 14th
11 Street, there will be a set of inlets that will
12 capture any stormwater before it ever gets down to
13 that corner.

14 MS. QUINT: Well, I had a for instance
15 where I had some flooding in a home that I owned,
16 and they put in a drain, okay?

17 Are you planning to put in drains for
18 the water to --

19 THE WITNESS: Yes --

20 MS. QUINT: -- drain --

21 THE WITNESS: -- as I mentioned before,
22 yes, there will be drains, not only within the
23 roadway bed, but there will be drains within the
24 sidewalk area as well.

25 MS. QUINT: So my own experience --

1 MR. GALVIN: No. I am sorry. You are
2 supposed to be asking questions, not testifying, but
3 that is okay. You need to do it a little bit to get
4 him to understand what you want.

5 MS. QUINT: Okay.

6 So what I am concerned about is the
7 size of the drain and water collecting because there
8 is also debris that clogs drains, so I am concerned
9 about where the water will go if the drains are not
10 large enough to accommodate the flow -- a large flow
11 of water.

12 THE WITNESS: Understood.

13 The drains would -- essentially there
14 are several aspects of this.

15 First of all, there is the aspects
16 within the sidewalks. You have essentially areas
17 that are open now. You don't have a hard scape that
18 allows water to basically get into the roadway,
19 which we had before. You now have areas that are in
20 the sidewalk that allows for a filtration of water
21 to go into those areas, and with the piping system
22 that's in the sidewalks, they have a certain
23 capacity.

24 Now, within the roadway bed itself, you
25 have now gone and taken away that water that was in

1 the sidewalks before, okay, and now you are
2 introducing even further piping and further inlets,
3 so there is now even more capacity for storage
4 within the roadway bed.

5 The inlets are designed essentially
6 with the New Jersey DEP regulations and essentially
7 what the City of Hoboken requires as well.

8 We look at inlet capacity. An inlet
9 capacity checks for all of our inlets to make sure
10 that we have a proper sufficient amount of what is
11 known as "head," water that stands in a specific
12 storm over the top of the inlets, so we look to make
13 sure we maintain that within a three-inch flow, and
14 that is the norm in terms of doing a specific
15 design, any type of worse case scenario design.

16 So you are actually introducing more
17 inlets, and you're actually introducing more piping,
18 and you are getting essentially an area for the
19 water to get into and have even more additional
20 storage.

21 During lesser storms, you are going to
22 see more storage, obviously with the fact that some
23 of the figures that I mentioned before, you are
24 almost going to see a net result within a ten-year
25 storm, for instance, at 15th Street of nearly 1200

1 cubic yards. So you look at that, and that's about
2 a 35-by 30 year -- a 30 by 5 and a 35 by 35 box of
3 water that you are attenuating, you're taking away,
4 and that again is based on how much water you are
5 putting in. You are now putting in more storage to
6 accommodate that water.

7 MS. QUINT: Well, who will clean the
8 drains from debris?

9 THE WITNESS: I think we just discussed
10 that.

11 CHAIRMAN HOLTZMAN: It is on our list
12 of things to make sure that it gets done. That's
13 correct.

14 MS. QUINT: Thank you.

15 CHAIRMAN HOLTZMAN: Mr. Hay, is it
16 correct in my reading of the plans, that there is
17 water detention underneath the street as well as
18 underneath the sidewalk?

19 THE WITNESS: That is correct, and that
20 is because the piping network that has to go from
21 each one of the Filterra systems back into each one
22 of the inlets that sits within the street, that's
23 correct.

24 CHAIRMAN HOLTZMAN: And is there also a
25 third system that allows for the detention of

1 sewerage from this building prior, so that during a
2 storm event, that the sewerage will not leave the
3 building basically, so that the local systems have
4 the ability to just deal with rainwater and not have
5 to have the building's sewerage?

6 THE WITNESS: Mr. Chairman, that is
7 correct.

8 With respect to the DEP regulations,
9 there is no -- I want to say regulation that says
10 that you have to provide additional storage on site.
11 However, the applicant has decided, we decided, to
12 go ahead and put additional storage under the
13 building to attenuate the water even further.

14 MR. PANTEL: Is that a sanitary sewer?

15 THE WITNESS: We're talking about a
16 storm sewer, correct, so there are several storage
17 units now that we introduced that were not there
18 before.

19 CHAIRMAN HOLTZMAN: All right.

20 So to our point here from the person
21 from the public, obviously there is a number of
22 different, it seems like, systems in place to try to
23 improve the conditions from what they currently are.

24 THE WITNESS: Both water quality and
25 also quantity, correct.

1 CHAIRMAN HOLTZMAN: Are there any other
2 questions from the public?

3 Sure, come on forward.

4 MS. SIMPSON: Sue Simpson. I am a
5 resident at 1500 Hudson.

6 MR. GALVIN: Spell your last name.

7 CHAIRMAN HOLTZMAN: Spell your last
8 name for the reporter.

9 MS. SIMPSON: S-i-m-p-s-o-n,

10 When you referenced the fact that you
11 would be responsible for maintaining the gardens,
12 you, meaning Toll Brothers, I am assuming?

13 THE WITNESS: Yes, Toll Brothers.

14 You're talking about the rain garden
15 here, Miss, yes.

16 MS. SIMPSON: And then what happens
17 once Toll Brothers is out of the development, when
18 it sells its properties, who then becomes
19 responsible for that maintenance?

20 MR. PANTEL: The condominium
21 association.

22 CHAIRMAN HOLTZMAN: That would be part
23 of the approval that is in our documents that would
24 stipulate that that maintenance of that rain garden
25 is by, in this case, the property owner, and that

1 would carry forward into any other ownership into
2 the future.

3 MS. SIMPSON: And it would be required
4 and enforced?

5 CHAIRMAN HOLTZMAN: Correct.

6 MS. SIMPSON: Thank you.

7 CHAIRMAN HOLTZMAN: Did you have
8 something?

9 UNIDENTIFIED VOICE: Is the rain garden
10 on the roof?

11 CHAIRMAN HOLTZMAN: Sure. Come on up
12 forward, if you have a question.

13 MR. GALVIN: We are talking about the
14 roof, not the -- that was your question.

15 CHAIRMAN HOLTZMAN: Mr. Pantel -- I'm
16 sorry, Dave, go ahead.

17 MR. ROBERTS: Mr. Chairman, just one
18 follow-up question. I am not sure if Todd is the
19 one to ask or maybe Mr. Pantel would be able to
20 answer it. But I am assuming, but I just wanted to
21 clarify the record, that the rain garden park is
22 open to the public. In other words, that that is
23 not a private space, that that's the --

24 MR. PANTEL: At the corner of 15th
25 Street --

1 MR. ROBERTS: -- at the corner of 15th
2 and --

3 THE WITNESS: There will be no physical
4 obstructions to it. None.

5 CHAIRMAN HOLTZMAN: The one that's at
6 grade level.

7 MR. PANTEL: Open to the public.

8 CHAIRMAN HOLTZMAN: Right.

9 THE WITNESS: Yes.

10 CHAIRMAN HOLTZMAN: Mr. Magaletta?

11 COMMISSIONER PINCHEVSKY: What was the
12 last comment there?

13 There would be no what? I apologize

14 THE WITNESS: No physical obstruction
15 for the public to enter.

16 MR. PANTEL: It is open to the public.

17 COMMISSIONER PINCHEVSKY: That sounds a
18 little -- I apologize --

19 MR. PANTEL: It's open to the public.

20 CHAIRMAN HOLTZMAN: Hang on a second.

21 Go ahead, Mr. Pinchevsky.

22 COMMISSIONER PINCHEVSKY: Being open to
23 the public and being inviting to the public are two
24 separate things that we discussed many times here
25 with the Board. And just saying, you know, that we

1 are not going to put up a fence or a chain to
2 prevent anybody from coming in is different from
3 saying it is open to the public and inviting to the
4 public, and maybe we can perhaps address this issue
5 later, as I think some members want to.

6 CHAIRMAN HOLTZMAN: Well, we have a
7 landscape architect who I'm sure we can get some
8 more details out of.

9 COMMISSIONER PINCHEVSKY: Yes, I think
10 so.

11 Thank you.

12 CHAIRMAN HOLTZMAN: Commissioner
13 Magaletta?

14 VICE CHAIR MAGALETTA: Is the landscape
15 architect going to address the question that was
16 raised at the Sub Plan Committee about signage and
17 making some informational plaques available? I
18 guess he will address that?

19 MR. PANTEL: Yes.

20 VICE CHAIR MAGALETTA: Thank you.

21 CHAIRMAN HOLTZMAN: Mr. Hipolit, you
22 had something for us?

23 MR. HIPOLIT: I just wanted to run
24 through a couple of items in my letter --

25 CHAIRMAN HOLTZMAN: Please.

1 MR. HIPOLIT: -- while he's up here.

2 The porous permeable pavers for this
3 site --

4 THE WITNESS: Yes.

5 MR. HIPOLIT: -- obviously the details
6 that are going to be designed later on, it is porous
7 and permeable, so it is eventually going to go into
8 the ground and then get into some detention system,
9 so I am assuming that there will either be some
10 discussion with North Hudson Sewerage Authority
11 because ultimately it goes into their system.

12 THE WITNESS: Correct.

13 MR. HIPOLIT: Okay.

14 They have a lot of improvements going
15 into the public of right-of-way, so I am assuming
16 that the applicant agrees they will have to bond for
17 their portion, when they do their work, get an
18 estimate and bond it and go through the normal
19 processes and inspect it and make sure it is done
20 properly within the right-of-way.

21 MR. PANTEL: Correct.

22 MR. HIPOLIT: On the -- maybe I will
23 stop and let you go.

24 Can you just have a little discussion
25 on the handicap ramp improvements for --

1 THE WITNESS: Sure. I appreciate you
2 mentioning that. Yes.

3 What also, and we have done in several
4 other applications, where we have actually done
5 improvements, off-track improvements, one of the
6 other things that has to be addressed is ADA
7 accessibility.

8 We did speak to your professionals
9 about maintaining the public right-of-way, making
10 sure it was ADA accessible, not just through
11 obviously the entire length of the block on 14th
12 Street, Washington Street, as well as 15th Street,
13 but also at some of the corners that we are making
14 some improvements at. That being at 14th Street,
15 where we are actually going to be doing improvements
16 on the full extension -- or I should say the
17 easterly side of Hudson Street, we proposed
18 essentially a new ADA accessible ramp at the
19 southwest corner of 14th Street and Hudson Street,
20 as well as northeast corner of 14th and Hudson
21 Street, and then the other two corners to the south
22 as well.

23 The same thing goes for 15th Street.
24 You can see that we are going to be doing some
25 obviously raising the road in that area, as I

1 mentioned before. These handicapped ramps will also
2 have to be improved, as well as the handicapped
3 ramps across the street on the northerly side of
4 15th Street, so we are essentially proposing eight
5 new handicapped ramps.

6 MR. HIPOLIT: Right.

7 What our letter says is they should
8 propose them, and when they are done, have you guys
9 look at them and certify them back to the city, and
10 we would recertify, and then give them to the city
11 as part of the new ADA recommendations and
12 requirements since 2010.

13 THE WITNESS: We can do that.

14 MR. HIPOLIT: The traffic control plan,
15 maybe can we spend five -- it will really only take
16 a moment, just talk to the Board about traffic
17 control during the project --

18 THE WITNESS: Sure --

19 MR. HIPOLIT: -- I think it's
20 important.

21 THE WITNESS: -- no problem.

22 First of all, to just let the Board
23 know, we have had recent discussions, most recent
24 discussions about the county, because obviously 14th
25 Street, being a county road, there may be a concern

1 that the county may get involved. We were happy to
2 find out, and I am not sure if Andy was able to find
3 out about this as well --

4 MR. HIPOLIT: I was.

5 THE WITNESS: -- the county has no
6 plans to make any improvements on 14th Street.

7 MR. HIPOLIT: And we have checked and
8 verified that.

9 THE WITNESS: So as far as the traffic
10 control plan goes with respect to making sure we
11 maintain the flow of traffic along 14th Street,
12 because it is a main thoroughfare on the northerly
13 side of the city, we will not have to coordinate
14 with the county.

15 Obviously, we will with respect to
16 doing any closures, because you are probably going
17 to be looking at a full closure on Hudson Street to
18 be able to raise the street. So we have actually
19 introduced some details to that, and we will have to
20 expand on those details based on your professional's
21 recommendations, because not only we will have to go
22 ahead and do a full closure of that street, but we
23 will also have to go ahead and do some work on
24 Washington Street for some of those improvements
25 that we are having on the sidewalk, as well as some

1 of the restriping that would have to be done on some
2 of your parking, your angled parking in the loading
3 area as well, and then we also have to go ahead and
4 look at this corner.

5 We are actually proposing as well, Mr.
6 Chairman, one of the things I also forgot to
7 mention, we may have to go ahead and do some
8 improvements also at 15th Street and Washington
9 Street with some of the handicap ramps. Again, as
10 Andy mentioned before, we would be able to certify
11 them.

12 Then you are also looking at doing some
13 improvements along 15th Street, and those
14 improvements again will be relegated to the
15 sidewalk, but they'll maybe have some partial
16 closure of some of the parking that actually lies a
17 bit in our right-of-way, but we would have to do
18 that in order to go ahead and maintain new
19 sidewalks, replace the curb, where necessary, and
20 what-have-you.

21 Then, again, we are talking about the
22 intersection here of 15th Street. Luckily you don't
23 have to see any full closure of this. You probably
24 will be able to get a lane closure by, because you
25 are only talking about going up to the mid point of

1 15th Street at the intersection of Hudson Street to
2 be able to do any type of paving improvements, as
3 well as putting crosswalks to the opposite side of
4 15th Street.

5 MR. HIPOLIT: The only full closure
6 would be Hudson Street. Do you have any idea how
7 long that would be?

8 THE WITNESS: Not at this time, but we
9 would be able to get obviously notice to the
10 applicant, as well as to the building department, as
11 to what that will be.

12 MR. HIPOLIT: But I think what will be
13 important, especially with the area, is that
14 whenever you do it, when you get in to do your
15 improvements on Hudson, and you are approved, you go
16 in and get them done and open it back up. Because
17 at least what I don't want to see, and I don't make
18 the decision, is that to stay closed for two years
19 while you stage your things and everything else
20 there, because I know the area well, and there is a
21 lot of circulation, and closing that puts a burden
22 then going through 15th and around back to the
23 shipyard side, so the more you keep it open, the
24 better.

25 THE WITNESS: Okay.

1 MR. HIPOLIT: Can you just go over for
2 the Board the two loading zones proposed?

3 THE WITNESS: Sure.

4 Essentially back in 2007, there was a
5 preexisting approval for two loading areas. One,
6 that the original resolution asked for, a loading
7 area along Washington Street, as well as a loading
8 area along Hudson Street.

9 These have been designed to essentially
10 accommodate a 40-foot vehicle, a 40-foot truck. We
11 actually prepared an exhibit, and if you don't mind,
12 Mr. Chairman, I would like to go ahead and show that
13 and enter that as an exhibit.

14 I don't know if you would like to mark
15 this, Counsel?

16 MR. GALVIN: That will be A-1.

17 THE WITNESS: A-1.

18 (Exhibit A-1 marked)

19 MR. PANTEL: Can you identify Exhibit
20 A-1 for us?

21 THE WITNESS: Sure.

22 It is known as CS-1002. It is
23 basically an expansion of the site plan. It is
24 entitled "Truck Turning Exhibit," and the last
25 revision date is January 12th, 2014.

1 VICE CHAIR MAGALETTA: Excuse me.

2 Is it a semi-truck or is it a fixed
3 truck?

4 THE WITNESS: It's essentially just a
5 fixed truck.

6 VICE CHAIR MAGALETTA: Okay.

7 THE WITNESS: So essentially, Mr.
8 Chairman, what this shows is, this shows an exhibit
9 of basically two vehicles that can essentially
10 traverse Washington Street, one being a 40-foot box
11 truck, that is really essentially what it is, how it
12 can maneuver down 14th Street, how it could get to
13 Washington Street, and then how it could go ahead
14 and it can maneuver within that loading area space,
15 which we designated based on our 2007 resolution.

16 The same goes for Hudson Street. As
17 you will notice, a box truck would go down 15th
18 Street, would make a left turn, and could maneuver
19 within the 40-foot space. At 40-foot basically I
20 want to say a bump-out or whatever you call it, it
21 is an area that basically we could go ahead and we
22 could have our deliveries staged on that side of the
23 street.

24 CHAIRMAN HOLTZMAN: Uh-huh.

25 COMMISSIONER GRAHAM: Why do you have

1 to have a delivery loading dock on Washington
2 Street, which is the main street of this town?

3 There is no other place for this?

4 I mean, it's unsightly and esthetically
5 displeasing.

6 THE WITNESS: We are essentially doing
7 what was, you know, within the confines of our
8 resolution. Our resolution called for a space.
9 This was the only opportunity we had for a space and
10 unfortunately --

11 CHAIRMAN HOLTZMAN: This is not a
12 loading dock. I just want to make sure, right?

13 THE WITNESS: It's a loading space.

14 CHAIRMAN HOLTZMAN: It's a loading
15 space.

16 COMMISSIONER GRAHAM: I understand. It
17 is a loading space.

18 Usually loading spaces like that would
19 be put out of sight, back on, you know --

20 COMMISSIONER WEAVER: Private property.

21 THE WITNESS: I'm sorry.

22 There is no opportunity that we have
23 for on-site loading. Essentially with the garage we
24 cannot get a truck, a 40-foot truck, that let's say
25 is servicing the retail areas, as well as let's say

1 maybe servicing also the residential entrance way
2 through that garage area. These are essentially the
3 only two areas. We, again, looked at the resolution
4 to make sure we could accommodate the resolution.

5 MR. PANTEL: Where they are shown on
6 this plan, is that the location where the loading
7 spaces were shown on the previously approved plan?

8 THE WITNESS: Yes, that's correct.

9 The only difference has been that
10 obviously we tried to make sure that this loading
11 space on Hudson Street was accommodated with the
12 garage, ingress and egress of the garage -- God
13 bless you --

14 CHAIRMAN HOLTZMAN: Was accommodated
15 with what?

16 THE WITNESS: -- we wanted to make sure
17 that this loading space was accommodated with
18 parking as well as the ingress and egress for the
19 parking garage.

20 CHAIRMAN HOLTZMAN: Okay.

21 COMMISSIONER BHALLA: Mr. Chairman?

22 CHAIRMAN HOLTZMAN: Go ahead.

23 COMMISSIONER BHALLA: So you have two
24 loading spaces, one on Hudson and one on Washington?

25 THE WITNESS: Correct.

1 COMMISSIONER GRAHAM: Why do you need
2 two?

3 THE WITNESS: The ordinance calls for
4 two. We have to have two loading spaces.

5 COMMISSIONER BHALLA: Why can't -- I'm
6 sorry, Mr. Chairman?

7 CHAIRMAN HOLTZMAN: I know that the one
8 that is on the Hudson Street side is primarily right
9 in front of the residential entrance, and the one on
10 the Washington Street side seems like it would be
11 also more so used for perhaps servicing the retail
12 and commercial tenants in the building.

13 That being said, the one on the
14 Washington Street side, which I believe takes up
15 approximately 40 feet --

16 THE WITNESS: That's correct, Mr.
17 Chairman.

18 CHAIRMAN HOLTZMAN: -- will be
19 primarily used during delivery times for those
20 businesses.

21 So is there any way from a parking
22 point of view to say, can this be a loading zone
23 during retail service hours, and then maybe on the
24 overnight somehow turn into four parking spaces on
25 Washington Street?

1 Don't answer so quick. Think about
2 that one.

3 THE WITNESS: I served, as Andy well
4 knows, and Dave knows, I served municipalities. I
5 have seen that maybe in two instances. Obviously,
6 it is a right-of-way. We could work with your
7 professionals to come up with a suitable striping
8 plan to accommodate that.

9 MR. HIPOLIT: It can be done.

10 MR. PANTEL: It is a matter of policing
11 it.

12 CHAIRMAN HOLTZMAN: Right. At least we
13 don't lose the parking on the overnight, and you
14 know, during the day the stores can get their
15 deliveries and pickups and things like that.

16 MR. PANTEL: It has to be strictly
17 policed so that when loading happens, it happens.

18 CHAIRMAN HOLTZMAN: Are there any
19 additional questions or comments from the
20 Commissioners with regard to the additional
21 testimony of Mr. Hay?

22 COMMISSIONER BHALLA: Chairman --

23 CHAIRMAN HOLTZMAN: Sure.

24 COMMISSIONER BHALLA: -- just to pick
25 up on Mr. Hipolit's line of questioning, I had some

1 concerns about the closure of Hudson Street.

2 You mentioned that Hudson Street was
3 going to be closed, but didn't offer specifics with
4 respect to that closure, so I wanted to ask you a
5 couple of questions about that.

6 Just to begin with for the record, what
7 is the general purpose behind the necessity to close
8 that street?

9 THE WITNESS: Well, there are several
10 aspects.

11 First of all, there is the utility
12 aspect. You are going to have to close it because
13 of two items. First, your sewerage, and second your
14 gas. It is on the opposite side of the street
15 within the sidewalk, so just because of that, it
16 would have to be closed.

17 The second reason, and probably most
18 importantly, what I testified to before is your
19 stormwater system.

20 You are now going ahead and taking out
21 the old storm sewer system, all of the piping, and
22 you're now introducing piping that is going to
23 traverse across the street. It will be shallow, but
24 you are also raising the street as well, and by so
25 raising the roadway bed. You would have to go ahead

1 and build basically -- put in fill, install fill,
2 sub base material to support the road, as well as
3 base material.

4 In doing so and raising the road, that
5 probably is more of a temporary item because
6 obviously from working with Andy, and he knows this,
7 we probably would have to establish basically such
8 as raising the road first, and then going ahead and
9 not putting a top coat down as well as top finishes
10 for the sidewalk until the completion of
11 construction.

12 Now I am speculating, but I am telling
13 you that is usually the way I have seen it done in
14 terms of making sure that we keep the road not out
15 of service for a very, very short period of time.

16 COMMISSIONER BHALLA: So when you raise
17 this issue, "out of service," are there certain
18 times during the day where you anticipate the road
19 closure?

20 Obviously, the concern is we don't want
21 it closed during rush hour traffic or --

22 THE WITNESS: Absolutely.

23 COMMISSIONER BHALLA: -- would it be
24 closed continuously for a period of days or weeks or
25 months?

1 What do you anticipate about the road
2 closure?

3 THE WITNESS: As a civil engineer, and
4 obviously I can provide my input to my client, who
5 will be building this, and obviously putting this up
6 for contract with a contractor, essentially the only
7 things that have to be done are the utilities, and
8 unfortunately they cross the street.

9 The other aspect that is another issue
10 is the electric. The electric is actually going to
11 come off the southern end of the building, and it is
12 going to have to go to a new vault that is going to
13 be in the center of the road, and that has to go
14 ahead and come down to where available power is
15 within 14th Street.

16 So you have a number of different, I
17 want to say, coordination that you have to do for
18 utilities first before you go and start this thing
19 about raising the road and building up the road, and
20 that probably again would be in a very short period
21 of time.

22 COMMISSIONER BHALLA: So this doesn't
23 even come close to answering my concerns, which are,
24 you know, is it going to be closed for 24 hours, for
25 a period of weeks --

1 MR. GALVIN: Can I --

2 CHAIRMAN HOLTZMAN: I think Dennis
3 has --

4 COMMISSIONER BHALLA: -- what are the
5 specifics in terms of --

6 THE WITNESS: Unfortunately, I don't
7 have --

8 MR. GALVIN: -- that's right. You
9 don't have anything.

10 THE WITNESS: -- I don't have
11 anything.

12 MR. GALVIN: Hang on. You don't have
13 anything.

14 So, you know, I think the right way to
15 handle it, though, if I may make the suggestion, is
16 that there would be road closing planning, and you
17 are going to make that plan in consultation with
18 Andy and with whoever we think is appropriate in the
19 city.

20 Is there somebody who would have input
21 on that, the Director of Transportation or somebody
22 like that --

23 THE WITNESS: That would be in
24 conjunction with the stipulation that we put in for
25 a condition for the additional traffic control

1 plans.

2 MR. GALVIN: There are other things
3 that would fall into a different category, but they
4 would all go into the developer's agreement, which
5 would be a rule book for how we are going to do all
6 of this stuff.

7 MR. HIPOLIT: So the Commissioners
8 understand, this is not a 12-hour or a 24-hour
9 closure. It is probably a few months.

10 What my concern was is that assuming,
11 we will take a hypothetical, assuming it takes 18
12 months to two years to construct the building, what
13 I was trying to avoid is a two-year road closure.

14 You are going to see a month or two in
15 my mind of a road closure, but let's limit it to
16 when they need to do it and then get it back open
17 again, so it's not --

18 CHAIRMAN HOLTZMAN: You brought up a
19 good point, which was you don't want the road to
20 then be usurped by construction equipment and
21 everything else --

22 MR. ROBERTS: A staging area.

23 CHAIRMAN HOLTZMAN: -- so I think we
24 need to make an acknowledgement of that as well,
25 that maybe as we have here, a call-out for a

1 condition of a road closure plan, maybe there also
2 needs to be some conversation about a staging plan
3 and where all of this construction equipment is
4 going to be staged, so that we can all make sure we
5 are on the same page here and that we are not
6 usurping the public right-of-way.

7 MR. HIPOLIT: Right.

8 The road closure will only be for
9 installation of the utilities, including the drain
10 system, and then the only thing that's covered is
11 the raising of the road. Other than that, the road
12 should be open, so they can open it --

13 COMMISSIONER BHALLA: I don't think the
14 public concern is as much what the purpose of the
15 road closure is for, but the length of the road
16 closure. If it is two years as opposed to 18
17 months, but you answered my question to some extent.

18 It is definitely going to be closed for
19 a period of months?

20 MR. HIPOLIT: Absolutely.

21 COMMISSIONER BHALLA: So several
22 months is what I am getting from you?

23 MR. HIPOLIT: Based on my knowledge, it
24 would be a few months at least.

25 COMMISSIONER BHALLA: So what I would

1 suggest, if it is subject to counsel's advisement,
2 is that there be some condition or something in the
3 resolution specifying the anticipated length of the
4 road closure, so that we are aware of and
5 comfortable with that time period.

6 CHAIRMAN HOLTZMAN: Sounds good.

7 Based upon the additional testimony
8 from Mr. Hay, is there anybody else in the public
9 who wants make comments?

10 Sure, someone come forward.

11 MS. SIMPSON: Again, Sue Simpson.

12 CHAIRMANCHAIRMAN HOLTZMAN: Hi.

13 MS. SIMPSON: I agree with your
14 comments that the loading areas are unsightly,
15 however, it is already unsightly at that end of town
16 because there are nowhere near enough loading docks
17 for the existing residents that live there.

18 If you are proposing an additional
19 story on the building, which will presumably bring
20 family members or bigger families to the building,
21 you are likely going to have more cars, more
22 children, more deliveries from Fresh Direct and
23 Verizon and all of these other things.

24 I don't understand how one 40-foot
25 loading dock is going to accommodate all of this, if

1 you have one that is specifically designed for
2 retail and one 40-foot for residential.

3 MR. GALVIN: Normally I would let the
4 developer respond to that, but number one, they told
5 us that there would be no change in the number of
6 units, so it was 236, and it is going to be 236.

7 The ordinance requires two loading
8 docks, and they are providing two.

9 MS. SIMPSON: Yeah. I am just saying
10 your 236 is staying, but you are making the units
11 bigger, and it's likely going to attract families
12 which will likely require more --

13 CHAIRMAN HOLTZMAN: Wait. I am not
14 sure I understand it.

15 Is it that you are saying that there
16 should be more than two?

17 MS. SIMPSON: Correct. And the one
18 that is 40 feet is never going to accommodate
19 deliveries that will take place for a building with
20 that many units given what we see today as a
21 resident that has been there for seven years.

22 CHAIRMAN HOLTZMAN: So you are
23 definitely good with at least keeping -- you are
24 saying for us, keep the two, and if anything, you
25 should add more?

1 MS. SIMPSON: Yes.

2 CHAIRMAN HOLTZMAN: Okay. Thank you.

3 MS. SIMPSON: Thank you.

4 CHAIRMAN HOLTZMAN: Sure, Tiffanie.

5 MS. FISHER: I will simply add --

6 CHAIRMAN HOLTZMAN: State your name for
7 the reporter.

8 MS. FISHER: Tiffanie Fisher.

9 I am here more specifically in my
10 capacity as a resident of the Hudson Tea and
11 President of the Hudson Tea Association.

12 CHAIRMAN HOLTZMAN: Sure.

13 Just spell your last name for the
14 record, Tifannie.

15 MS. FISHER: F-i-s-h-e-r.

16 Just to add to what Sue was saying, I
17 don't know if you guys know, but I know there's a
18 lot of discussion around loading docks that relate
19 to the potential retail.

20 We have not seen a lot of the retail
21 being actually successfully at least in the north
22 end of town, but I don't know if you thought about
23 the number of deliveries on the residential side.

24 I can tell you from the Hudson Tea, we
25 looked at -- we don't have a loading zone, which is

1 something I will raise when it's appropriate, but we
2 had just in 2013, 221 move in and move out. That
3 means 110 moves. That is 20 percent of our building
4 moved, and there was a large moving truck on either
5 side of that.

6 We have 550 large truck deliveries, so
7 when people have like a sofa delivered or something
8 really big that comes in a big truck, and that
9 doesn't include the summer between 2500 and 3000
10 deliveries that Fresh Direct made just to our
11 building, and we have 525 units.

12 So when the Planning Board is, you
13 know, pooh-poohing the loading docks, and you have
14 these giant huge buildings, loading docks are really
15 important.

16 Our issue, and this is probably the
17 only time we are supportive of, you know, some of
18 what you are saying, is because as you mentioned, we
19 are really short. The original ordinance didn't
20 provide enough. We have 525 units, and we don't
21 have a loading zone, which is -- it's on the zoning
22 compliance table, and we don't know where it is.

23 Maybe somebody will tell us where it is
24 at some point, but we don't have the ability to have
25 a loading zone, so we have an entire fire zone, so

1 that we have a safety issue every time all of these
2 trucks come and park there to do this loading, so we
3 are really supportive of at least two, if not even
4 more.

5 Parking is a different issue, but the
6 flow and what that does from a safety issue having
7 all of these trucks in this small -- and when you
8 are talking about closing Hudson Street, I mean, I
9 don't think any of us care about driving there. We
10 just think, oh, my God, where are all of these
11 trucks going and where are all of the deliveries.

12 The second question I was going to
13 ask --

14 COMMISSIONER GRAHAM: If I can just say
15 that I don't disagree with the loading docks. I
16 disagree with where it was placed on Washington
17 Street. That was my concern, but I totally
18 understand and --

19 MS. FISHER: Yeah --

20 COMMISSIONER GRAHAM: -- go ahead.

21 MS. FISHER: -- I mean, this is
22 interesting because it's a full lot coverage.

23 From a practical standpoint, they are
24 building on the entire lot. I know they get credit
25 for -- so there really isn't within the structure

1 the ability to accommodate it, and we, you know,
2 would say anywhere but on Hudson Street, right?
3 Put it on Washington versus -- or anywhere on 15th
4 Street.

5 Hum, my -- I lost my train of thought.

6 CHAIRMAN HOLTZMAN: No worries. We can
7 come back.

8 MS. FISHER: Thank you.

9 CHAIRMAN HOLTZMAN: Was there anybody
10 else from the public that wanted to -- sure, come on
11 up.

12 MR. GALVIN: Wait a minute. Could I
13 just ask for a favor?

14 Ms. Fisher, could you stand up?

15 MS. FISHER: Oh, yeah.

16 MR. GALVIN: Raise your right hand.

17 MS. FISHER: Me?

18 MR. GALVIN: Yes.

19 Do you swear to tell the truth -- raise
20 your right hand -- do you swear to tell truth, the
21 whole truth, and nothing but the truth, so help you
22 God?

23 MS. FISHER: I do.

24 MR. GALVIN: Everything that you
25 testified to is still true?

1 MS. FISHER: Yes, absolutely.

2 CHAIRMAN HOLTZMAN: Ms. Simpson, could
3 you stand up?

4 MS. SIMPSON: Yes.

5 MR. GALVIN: Raise your right hand.
6 Do you swear to tell the truth, the
7 whole truth, and nothing but the truth so help you
8 God?

9 MS. SIMPSON: Yes.

10 MR. GALVIN: And everything that you
11 testified to is still true?

12 MS. SIMPSON: Yes.

13 MR. GALVIN: Okay. Next.

14 We are doing questions right now. You
15 don't have to be sworn in because you are just going
16 to ask a question.

17 MR. HENDERSON: Mike Henderson from
18 1500 Hudson Street.

19 I had one question I think on the
20 drainage. Has the county looked at that plan?

21 I know the county looks at traffic and
22 drainage onto those streets.

23 THE WITNESS: Typically what happens
24 when there is an application that fronts a county
25 street, they look at all aspects of the application.

1 They have not looked -- the problem most likely, and
2 I am not going to answer for them, but I will tell
3 you, they most likely did not look at drainage
4 because we are not changing any of the drainage on
5 14th Street, so they probably primarily are looking
6 at 14th Street and the improvements we are making
7 adjacent to that.

8 MR. HIPOLIT: North Hudson, because it
9 is discharged into their system, is going to have a
10 big, you know, a real look at it. I mean, we looked
11 at it, but they are also going to look at it,
12 because it is going to their system --

13 MR. HENDERSON: Right, because I know
14 they all tie in up there.

15 MR. HIPOLIT: -- ultimately North
16 Hudson has the overall approval --

17 MR. HENDERSON: -- right. It's main
18 outflow for the whole north end of town.

19 MR. HIPOLIT: I am aware of that.

20 MR. HENDERSON: The other question --

21 CHAIRMAN HOLTZMAN: Michael, just to
22 jump in, one of the conditions that we generally put
23 on any application is that they must seek any
24 appropriate county approvals and/or the North Hudson
25 Sewerage approval as well, so all the things become

1 contingent upon it as well.

2 MR. HENDERSON: Okay.

3 The under the road detention basin, I
4 guess the question would be who maintains that, and
5 if it fails, is that something that is going to fall
6 to the city?

7 The other thing is: You are saying it
8 will be a shallow basin as well, so I know that the
9 sediment builds up very quickly in some of these
10 drainage areas, because I know North Hudson does a
11 quarterly or monthly cleanout of those treated waste
12 water lines.

13 Are there clean-out pits somewhere on
14 Hudson Street that the city would access?

15 THE WITNESS: Well, the sedimentation,
16 you know, that builds up in the actual combined
17 sewer line is a completely different issue.

18 This is going to be mainly clean water
19 that is obviously hitting, you know, not just the
20 rooftop system within our site, but also when it
21 goes and hits the road, it is being pretreated
22 before it ever gets in and builds up any sediment
23 within the detention system. The system being
24 header pipes that basically support the Filterra
25 system, the water quality devices within the

1 sidewalks as well as the piping system that you are
2 going to have eventually within the roadway bed.

3 All of that is being pretreated before
4 it gets into that drainage system.

5 MR. HENDERSON: I guess the bigger
6 question is: What responsibility is the city taking
7 up?

8 CHAIRMAN HOLTZMAN: We have taken that
9 under advisement. It is on our list of conditions
10 to work out. Absolutely.

11 MR. HENDERSON: I know the water table
12 is very low there.

13 Regarding the loading zone -- one other
14 question on the pavers and the sidewalk there, just
15 from a maintenance standpoint, we had a terrible
16 winter this year, so maintaining those plantings and
17 maintaining -- I would just have you guys take a
18 look at it and make sure it is going to be easy for
19 the snow plows to come down, and it's not going to
20 be something that's easily damaged.

21 CHAIRMAN HOLTZMAN: Okay.

22 MR. HENDERSON: As far as the loading
23 zones, Tiffanie mentioned, and I know on the plan it
24 says there is a requirement and Hudson Tea says it
25 has a loading zone, and we don't know where that is.

1 One of the reasons we are here is
2 because I will speak as the property manager and for
3 the Board, it is a fire lane in our circle, and so
4 this is -- we are looking at this as a whole Hoboken
5 Cove -- part of the Hoboken Cove application, so we
6 want to get ourselves into compliance, so we can
7 have proper deliveries and moves and everything.

8 Right now we don't have one. If there
9 is some way that it could be coordinated in here or
10 worked into our property, and I will talk later a
11 little bit about the property with the public access
12 areas, but right now there's moving trucks that come
13 in there, into the fire zone, and it is not proper.

14 There is no place on 15th Street.
15 There's no parking all on the north side of 15th
16 Street, so we would love to be able to work with
17 them and somehow solve that problem, because right
18 now all of those moves are basically illegal.

19 CHAIRMAN HOLTZMAN: Okay. Thank you.

20 Commissioner Marks, you have something
21 for us?

22 COMMISSIONER MARKS: You had mentioned
23 that you spoke with the county engineer about
24 improvements to 14th Street.

25 I know that the county is planning a

1 reconstruction of Frank Sinatra Drive North between
2 like 13th and 15th. I don't know if that will
3 involve a road closure. Please, please, please
4 coordinate with them and make sure that they don't
5 have their road closure during your road closure.
6 That would be, in terms of traffic impact, that
7 would be a catastrophe for the northern end of town.

8 MR. HIPOLIT: We have a comment on that
9 in our letter. That approval will be given
10 conditioned upon our letter.

11 We had a discussion with the county
12 about that, and if they get an approval, there will
13 need to be some coordination, because both of those
14 streets could not be closed at the same time. It is
15 not possible.

16 CHAIRMAN HOLTZMAN: Commissioner
17 Magaletta?

18 VICE CHAIR MAGALETTA: About Mr.
19 Henderson's question, which you guys talked about is
20 relevant --

21 THE REPORTER: Can you speak louder,
22 please?

23 VICE CHAIR MAGALETTA: -- if you look
24 at Mr. Hipolit's February 21, 2014 letter, Paragraph
25 19 addressees the questions of whether or not your

1 office had an opportunity to review the Hudson
2 County Planning DOT with respect to the sea wall and
3 construction on Frank Sinatra Drive more up to 14th.

4 Have you had a chance to do that?

5 MR. HIPOLIT: Yes.

6 VICE CHAIR MAGALETTA: That has been
7 done?

8 MR. HIPOLIT: Yes.

9 The issue is the county is not --

10 VICE CHAIR MAGALETTA: I'm sorry.

11 What?

12 MR. HIPOLIT: -- their project is not
13 coming down this way. The timing of their project
14 is a key issue, and we don't really -- they don't
15 have a good handle on the time either, but they
16 can't be closed at the same time.

17 VICE CHAIR MAGALETTA: As far as -- one
18 of the questions raised in your Paragraph 19 is that
19 you showed the existing plan, the construction for
20 the sea wall, basically just about the construction
21 time, is that what you are worried about --

22 MR. HIPOLIT: Yes.

23 VICE CHAIR MAGALETTA: -- not as far as
24 the quality of it. Okay.

25 MR. HIPOLIT: Right.

1 VICE CHAIR MAGALETTA: Okay.

2 CHAIRMAN HOLTZMAN: Anybody else from
3 the public?

4 Tiffanie?

5 MS. FISHER: The one question I
6 think -- I don't remember if the Commissioners
7 raised it or not.

8 What is the staging plan going to be?
9 You know, we have a lot of construction going on --

10 CHAIRMAN HOLTZMAN: They have offered
11 us none yet. What we are doing is putting it on our
12 list of conditions that they will owe us a list of a
13 plan that we will then need to review, but they have
14 not presented any type of a staging plan to us.

15 MS. FISHER: Okay. Thank you.

16 Oh, and the second one, you mentioned
17 that there is a requirement for county approval.

18 In their application it says they have
19 approval, so I am under the assumption that they are
20 not necessarily going for any approvals, so I think
21 there is going to be a number of questions, where we
22 actually do think that the county does have a
23 relook, not necessarily for this, but for some
24 traffic issues, et cetera. But the application says
25 it is approved.

1 So are you anticipating generally going
2 back to the county for any approval, or you don't
3 think the county has approval for anything --

4 THE WITNESS: Let me tell you the
5 aspect I know during construction. Most likely
6 there will probably be something relevant to this --
7 this is during construction. There will be
8 something relevant to doing a partial closure, let's
9 say, have the sidewalks done or what-have-you at the
10 corner adjacent, but that will be a very, very short
11 time frame that that would be done in.

12 Outside of that, we are only required
13 to get Planning Board approval.

14 As your professional mentioned, we did
15 have to coordinate with not just the sea wall
16 project, but also see if there are any drainage
17 plans on 14th Street to hook up any type interior
18 drainage for the sea wall, and we found out that
19 they are not going to be doing any work --

20 MS. FISHER: I think the county -- in
21 the original county approval that you received,
22 though, it actually has a requirement that you work
23 with the county on traffic flows --

24 THE WITNESS: Yes.

25 MS. FISHER: -- so what is the plan on

1 the traffic flows?

2 It seems like Maser has only given an
3 update specifically on the change of traffic on the
4 building, but has not given any update on what has
5 gone on changing anything in the area since 2002,
6 which we think is a real issue given the changes in
7 Hoboken. So what is the plan to do anything there?

8 THE WITNESS: We will only be able to
9 have a plan once, and I will tell you how it usually
10 works.

11 If we were to receive an approval
12 tonight, once we formulate construction documents
13 and once we have an approved plan where myself,
14 Maser, as well as the county sits down, and we come
15 up with a comprehensive traffic control plan, we
16 really -- I can't speculate that, but I can only
17 tell you that the procedures that go through and
18 formulate construction documents for a contractor,
19 we will have to sit down with the city, the building
20 official, Maser, and the city engineer, and we will
21 all have to sit down with the county, because,
22 again, this application is joining the county
23 street --

24 MS. FISHER: I think my question is a
25 little bit different. It's not specifically just

1 relating to the closure of Hudson Street. This is
2 literally we have safety concerns of generally 15th
3 Street, generally all of the streets around, and
4 there hasn't been a full traffic study done on
5 actual traffic counts and changes in pedestrian, you
6 know, pedestrian traffic, vehicle counts, et cetera,
7 since 2002.

8 I think it is a Hoboken Planning Board
9 issue, but the county in particular required broadly
10 that you work with them on entire traffic flows, so
11 we just want to know how that will be addressed
12 because it changed a lot since 2002.

13 THE WITNESS: It will be addressed when
14 we sit down and put together the additional details
15 that Maser has recommended for us to do. We have to
16 work with the county.

17 MS. FISHER: Our question is not to not
18 have the building built. It is literally: Do we
19 need a traffic light, do we need, you know,
20 different -- more stop signs, et cetera.

21 We have a lot of children in the
22 building, and there's demographic changes, and I
23 think all of these people here --

24 CHAIRMAN HOLTZMAN: Mr. Hipolit, is
25 there anything that you could offer us in terms of

1 jurisdiction here?

2 MR. HIPOLIT: So the PUD when it was
3 initially approved came with the detailed traffic
4 study of this PUD, how the streets were going to
5 flow and the volumes they were going to use.

6 I think the question being asked is:
7 Are they relooking at it as part of this building.
8 Though I have not heard an answer, and I think the
9 question is they aren't, because they have not
10 provided an updated traffic study.

11 What they are saying -- what I am
12 hearing by silence is that we had an original
13 approval. We did a traffic study. That is still
14 valid. We're still building the same number of
15 units, and we are not relooking at it again.

16 As far as working with the county --

17 MS. FISHER: The county required it in
18 their approval, which we have --

19 MR. GALVIN: It's between them and the
20 county.

21 MR. HIPOLIT: -- right. As far as the
22 county, the county has certain approvals they put on
23 it, and that it is up to the county to enforce. I
24 just want to let you know we don't have jurisdiction
25 over the county. We never do.

1 MS. FISHER: I guess the question is I
2 guess then we just have to go to the county and say
3 they have this application, we have a strong
4 concern, and it should be brought to you for your
5 approval.

6 MR. HIPOLIT: Let me just ask a
7 follow-up question.

8 Mr. Hay, are you submitting this back
9 to the county for a second approval, or is your
10 original approval just as good?

11 THE WITNESS: I would imagine that if
12 we go ahead and reformulate traffic control plans,
13 we will have to send back a full set of plans. We
14 will have no choice.

15 MR. HIPOLIT: So the county will have a
16 second look at it.

17 MS. FISHER: Let me ask one more
18 question.

19 In all of the resolutions, number eight
20 or nine, it says that the applicant has to come back
21 if there is a safety concern.

22 So we are raising that there is a
23 safety concern on the road. They should have a
24 relook at this. That's one thing.

25 The second thing, in the original

1 resolution agreement, they had to effectively do a
2 maintenance and review, a monitoring of the traffic
3 through phase one of the construction. Phase one of
4 construction is completed when the retail and
5 parking of this building was done.

6 Now, I don't know if it has been
7 modified. I have -- almost every document we read,
8 but one document says phase one, they had to keep
9 monitoring through phase one, and phase one ends
10 with this retail and parking, which has not yet been
11 built. So I do think actually this Planning Board
12 has some jurisdiction both from a safety issue and
13 the original agreement to say, you need to relook at
14 the streets and just make sure that we have the
15 right traffic control.

16 That is all we are asking for.

17 CHAIRMAN HOLTZMAN: Okay. I have a
18 question for either Commissioner Marks or
19 Commissioner Forbes, Director Forbes.

20 What we seem to have here is an issue
21 of an agreement that was written 12 plus years ago,
22 and people made a best case scenario of what traffic
23 would be then and made their projections upon all of
24 these additional buildings and units and commercial
25 in the area. And I guess, how is it that that can

1 be revisited to say, is that study still valid, was
2 their projections good 12 or 14 years ago, or does
3 it really need to be looked at.

4 Is there any kind of methodology for
5 that, because we have a redeveloper agreement here,
6 so it is a study in the middle of an agreement.

7 COMMISSIONER MARKS: That is a loaded
8 question.

9 CHAIRMAN HOLTZMAN: Yes.

10 COMMISSIONER MARKS: Mr. Galvin?

11 MR. GALVIN: I can't help you.

12 (Laughter)

13 COMMISSIONER BHALLA: I think I can. I
14 think it is a fairly simple question that Ms. Fisher
15 is raising a public safety concern with respect to
16 pedestrian traffic. She is simply asking a
17 jurisdictional question, do these folks need to go
18 to the county, or can the city through the Planning
19 Board place a condition on the approval that a
20 revised traffic study be conducted to make sure that
21 the previous one conforms with the current traffic
22 conditions. Yes or no. I would be curious to know
23 that.

24 CHAIRMAN HOLTZMAN: Mr. Pantel, you
25 seem to have something you wanted to add.

1 MR. PANTEL: Yes.

2 We actually, as part of this
3 application in response to the questions that were
4 raised, we did have a traffic consultant submit a
5 report as part of the file, as part of the record on
6 this application, dated February 21st, which
7 outlined the extensive improvements that have been
8 installed pursuant to the requirements of the
9 approvals for the project,

10 We also went on to address the trip
11 generation that was previously projected versus the
12 trip generation, which is now projected, and showed
13 that there would be fewer trips generated by the
14 project currently as opposed to that which was
15 originally approved, and concluded that the proposed
16 use embodied by this application would not have any
17 negative impact, and the completed roadway and
18 signal improvements mitigate a full impact on the
19 adjacent roadway, no additional improvements are
20 needed.

21 That is not surprising given the fact
22 that the projected traffic flow is not increased.
23 We are not doing anything to increase traffic flow
24 with these revisions, and the improvements that were
25 previously installed were actually quite extensive.

1 It wasn't as if nothing was done.

2 15th Street was extended from Park
3 Avenue to Hudson. Hudson was extended from 14th to
4 15th. Washington from 14th to 15th. Bloomfield
5 from 14th to 15th. Garden from 14th and 15th and
6 new upgraded signal installations at one, two,
7 three, four, five, six different intersections, were
8 all installed and implemented as part of an
9 exhaustive traffic study that was performed by the
10 Board, so it is a pretty common occurrence.

11 You have an exhaustive traffic study
12 like that, number one.

13 Then number two: When you come in for
14 an amendment to the plan, which does not cause
15 increases in traffic, that you would not be
16 anticipated that there would be additional traffic
17 improvements required as part of an application, but
18 we went above and beyond that. Rather than just
19 relying on that, you know, logic, we did submit to
20 the Board the supplemental letter from our original
21 traffic consultant who reached these conclusions.

22 The county is obviously a different
23 authority, and if Ms. Fisher chooses to go to the
24 County Planning Board, obviously we can deal with
25 any issues at that juncture as well.

1 But as far as this Board goes, I know
2 that the issues really were exhaustively looked at,
3 and we are not making any changes that would have a
4 material effect on the traffic impact of the
5 project.

6 VICE CHAIR MAGALETTA: I have a
7 question on that.

8 CHAIRMAN HOLTZMAN: Mr. Magaletta?

9 VICE CHAIR MAGALETTA: Just a real
10 quick question.

11 He read that report from the traffic
12 expert. Does that traffic expert have to be here to
13 testify about it, or does the letter -- because he
14 is not an expert --

15 MR. GALVIN: The rules of evidence are
16 relaxed at a Planning Board. I mean, if we want to
17 make an issue out of it, if we think it is really
18 important, then we will carry this hearing for a
19 month, and we will get the traffic expert here, and
20 let him lay that on the record.

21 But what they are representing is if
22 they bring him in, he is going to say that there is
23 no significant change in the traffic, and what I was
24 saying before was, and again, the ultimate decision
25 maker on what we need and what we want is the Board,

1 not myself.

2 So when you are asking me, there are
3 times when I look at something, and I go, yeah, I
4 really think you ought to have it. But where the
5 number of units is not changing, I think I would be
6 hard pressed to say to a judge, hey, we held this
7 case up because we thought we needed a traffic study
8 when there was no significant change in the number
9 of units.

10 I know the units are going to be
11 larger, and it is a bigger building, but from my
12 experience, being out four nights a week doing this,
13 it doesn't mean that there will be more cars. It
14 might be bigger cars. You know, it might be a mini
15 van instead of a, you know, Mercedes, but --

16 VICE CHAIR MAGALETTA: Ms. Fisher
17 hasn't raised -- she hasn't brought her own expert
18 here as well, so I am trying to weigh the evidence
19 here.

20 CHAIRMAN HOLTZMAN: Commissioner
21 Graham?

22 COMMISSIONER GRAHAM: I just have a
23 question. You said that since the first study,
24 there would be less trips generated now. How was
25 that conclusion reached?

1 MS. FISHER: There's less units.

2 COMMISSIONER GRAHAM: There are less
3 units, yes, but --

4 CHAIRMAN HOLTZMAN: Less units than was
5 originally approved in the first go-round.

6 MR. PANTEL: From 2002, there's fewer
7 units. There's no change since 2007.

8 COMMISSIONER GRAHAM: In 2007.

9 MR. PANTEL: There was an amended
10 approval in 2007.

11 MR. HIPOLIT: We did talk about this
12 with the applicant. I did see the letter report,
13 and I agree that from a traffic perspective, traffic
14 is going to be lower.

15 We also assumed some projections back
16 then that projected out to more cars than actually
17 come here today. That's not necessarily what I hear
18 Ms. Fisher saying. What she is concerned about is
19 not necessarily the number of trips. She's
20 concerned about the safety. She's making a claim
21 that the safety in the area is not adequate.

22 So in the world of engineering,
23 residents measure safety by I look out and see, am I
24 going to get killed by a car crossing the street,
25 and I understand that.

1 From an engineering perspective, you
2 look at it as it's okay. Is there a safety issue,
3 and what is the evidence of it?

4 Is there an accident history, have
5 pedestrians been hit?

6 Have there been fatalities?

7 Hopefully not.

8 Is there something that causes or has
9 evidence of safety?

10 I don't know of any. I don't know if
11 you know of any. I don't.

12 That would be where you address the
13 safety side from, so I think if we separate the
14 arguments just for the court, on traffic trips, Mr.
15 Chairman, you're right. There are no -- there's
16 less cars. Opening up, that's not even an issue,
17 but does the Board want to look at safety. That is
18 your choice.

19 COMMISSIONER BHALLA: Mr. Chairman, my
20 concern is that even though there are fewer units, I
21 don't think that is the point that Ms. Fisher is
22 raising.

23 You have a report from 2002. That is
24 12 years ago, and I just wonder or I am concerned
25 that this report might have not taken into account

1 not just the building itself, but Park On Park,
2 which is being built. I think it's being built by
3 Bejou Properties. 1450 Washington, Sovereign,
4 Birchart, there are a number of other buildings that
5 have been built that have increased the traffic flow
6 in the area or the neighborhood generally --

7 COMMISSIONER GRAHAM: Maxwell --

8 COMMISSIONER BHALLA: -- so I don't
9 know whether that report from 12 years ago takes
10 into account current on the ground conditions, and
11 that does relate to safety as well.

12 The number of cars, increased
13 development in the neighborhood holistically is
14 something that I don't know whether it has been
15 taken into account 12 years ago as to the present
16 conditions and whether the Board can --

17 MS. FISHER: If I can could --

18 CHAIRMAN HOLTZMAN: Hang on one second.

19 MS. FISHER: -- I'm sorry.

20 COMMISSIONER BHALLA: -- that's all.

21 CHAIRMAN HOLTZMAN: Thank you,

22 Councilman.

23 Commissioner Marks?

24 COMMISSIONER MARKS: So, Mr. Hay, how
25 long would it take you to compile or perhaps, Mr.

1 Pantel, for your traffic engineer, pedestrian,
2 automobile, conflicts or record of accidents, how
3 long would gathering such information take to look
4 at the public safety aspect?

5 It is 8:25. We have two other experts
6 on. I would be surprised if we completed this
7 application this evening. By the next Board
8 meeting, which is say in a month, is a month enough
9 time to look at the safety record of the
10 neighborhood and conclude if there is safety, you
11 know, conflicts?

12 MR. HIPOLIT: I can jump in a little
13 bit.

14 It is all a function of your police
15 department. So what Mr. Hay or Mr. Pantel would do
16 is make a request from your police department for
17 accident data, both pedestrian and car on 15th,
18 Hudson and Washington within the whole site and see
19 what data they come up with. That's where you get
20 it from. You have to get it from the police
21 records.

22 COMMISSIONER MARKS: We will expedite
23 whatever documentation that our police department
24 would need to furnish to you to look at the safety.

25 CHAIRMAN HOLTZMAN: Mr. Pantel, would

1 you undertake such a report for us for our next
2 meeting?

3 COMMISSIONER MARKS: It is a concern.

4 MR. PANTEL: Yes. I understand that.
5 I would like to confer with my client for a moment,
6 if I could.

7 CHAIRMAN HOLTZMAN: Of course. Take a
8 moment, sure.

9 COMMISSIONER GRAHAM: I believe there
10 is something in our Board procedures --

11 MR. GALVIN: No. You have to wait --

12 COMMISSIONER GRAHAM: -- that talks
13 about where we are concerned about safety, that we
14 have the right to question that.

15 CHAIRMAN HOLTZMAN: Sure. Let's see if
16 the applicant can --

17 COMMISSIONER GRAHAM: I read it, but
18 now I can't find it, but it's in here.

19 (Board members confer)

20 CHAIRMAN HOLTZMAN: Okay. Mr. Pantel
21 is back.

22 Mr. Pantel, hopefully you have some
23 good news for us?

24 (Everyone talking at once.)

25 CHAIRMAN HOLTZMAN: Commissioners,

1 please.

2 MR. PANTEL: Thank you.

3 One point I would like to raise is that
4 as the applicant on a project like this, our
5 responsibility goes to, of course, having safety
6 ingress and egress at our points of access, such as
7 our garages, which I think Mr. Hay can testify to
8 now. He is the site engineer, and it is his
9 responsibility to make sure that we have safe
10 ingress and egress at our points of access into the
11 site.

12 We did take into account considerable
13 background development when the traffic study was
14 done, and it is not -- if there are issues with
15 respect to J-walking or speeding because it was
16 suggested that you don't want to look at ticket
17 data, as it is not obviously any applicant's
18 responsibility, but it is obviously a policing
19 responsibility, if you have those kind of issues
20 going on in the background. So just some kind -- I
21 am concerned by the somewhat amorphous nature of the
22 request to explore safety issues in the vicinity of
23 this project that really goes beyond what an
24 applicant is responsible for.

25 What an applicant would be responsible

1 for is: (A) Implementing traffic improvements
2 necessary to accommodate the impact of our
3 development. And I ran through a fairly extensive
4 laundry list of quite extensive and expensive
5 traffic improvements that we have installed (A), and
6 (B) to have safety of ingress and egress to and from
7 our site.

8 Beyond that, the Board really shouldn't
9 be asking an applicant to just generally speaking
10 explore, analyze, study safety in the area of the
11 project. That is really more for your police
12 department, your department of public safety or
13 whatever, you know --

14 CHAIRMAN HOLTZMAN: I think, Mr.
15 Pantel, I am going to jump in here.

16 MR. PANTEL: Sure.

17 CHAIRMAN HOLTZMAN: You and I know each
18 other for a long time.

19 MR. PANTEL: Correct.

20 CHAIRMAN HOLTZMAN: I think what the
21 Board, and the tenor that you are getting from the
22 Board at the moment, is we are asking you to go, and
23 we know this, above and beyond the call of duty and
24 be a good corporate citizen and a good neighbor and
25 realize that any study that was done 12 years ago is

1 certainly going to be dated, and we all know if we
2 stand out on those corners there, that the
3 conditions are incredibly different than what
4 anybody probably could have projected. Nobody is
5 saying that you are necessarily I think responsible
6 for what has happened in the neighborhood, positive
7 or negative, leave it all on the table.

8 There were approvals that were made a
9 very long time ago, and we are asking for your help,
10 so that we can put the study together and that maybe
11 we can get it to the appropriate authorities,
12 whether it is the city's traffic engineer, the city
13 administration, the county or what-have-you, and we
14 are asking you to help us push the ball down the
15 street a little further, so I think that is where it
16 is at.

17 Because we understand that within the
18 scope of the application that is before us this
19 night, even if it is continued because, of course,
20 it is the late hour of 8:30 already, that there are
21 limitations to where your responsibilities fall. We
22 are asking your help and assistance in trying to
23 make some improvements or at least help us with a
24 study of the neighborhood, so that we can then maybe
25 get the right thing done eventually.

1 MR. PANTEL: Yes, understood.

2 What I would like to do to keep the
3 ball rolling is proceed with our other witnesses. I
4 don't want to take more time for another break now
5 in light of what you just put to us. I don't think
6 the Board would want me to do that right now either,
7 but before the evening is done, we will get that
8 to --

9 CHAIRMAN HOLTZMAN: Absolutely.

10 COMMISSIONER WEAVER: If I might?

11 CHAIRMAN HOLTZMAN: Commissioner
12 Weaver, sure.

13 COMMISSIONER WEAVER: If I could also
14 add, I mean, it would go a long way towards you
15 demonstrating the justification of the safety from
16 the loading zones on the streets.

17 MR. PANTEL: Understood.

18 CHAIRMAN HOLTZMAN: Great.

19 I am going to ask your patience.

20 MS. FISHER: I'll be patient.

21 CHAIRMAN HOLTZMAN: Great.

22 MS. FISHER: Can I just give you this
23 as whatever your exhibit -- if you want, this is the
24 developer's agreement, and I highlighted the
25 references to the --

1 MR. GALVIN: Hold on a second.

2 MS. FISHER: -- oh, sorry.

3 MR. GALVIN: No, no, no. He has to
4 tell us if he has an objection.

5 MS. FISHER: Oh, I'm sorry. It's just
6 the developer's agreement and it's just highlighted
7 in a couple places.

8 (Board members confer)

9 MR. PANTEL: I have no objection to it
10 being identified.

11 CHAIRMAN HOLTZMAN: No objection, Mr.
12 Pantel?

13 MR. PANTEL: I have not had a chance to
14 read it. It predates my involvement in the project.
15 It purports to be a developer's agreement, dated
16 December 3, 1997, between BBLJ Associates, which was
17 at that point controlled by Belle Mead Development
18 Corporation, which obviously hasn't for many years
19 been in the picture here.

20 So, as I said, I am not speaking to the
21 relevancy of it at all. I suspect it is not
22 relevant because this is not an agreement.

23 CHAIRMAN HOLTZMAN: But there is no
24 objection to the document?

25 MR. PANTEL: No objection. The

1 document can be identified.

2 MR. GALVIN: Well, we are going to move
3 it into evidence unless you have an objection to it,
4 so we are going to make it N-1 for Neighbor 1.

5 (Exhibit marked N-1)

6 CHAIRMAN HOLTZMAN: Great.

7 MR. FISHER: Thank you.

8 CHAIRMAN HOLTZMAN: All right. Okay.

9 So were there any other specific
10 questions or comments from the professionals?

11 MR. ROBERTS: One, Mr. Chairman,
12 while Mr. Hay is up, and it gets to what
13 Commissioner Weaver had mentioned.

14 In our planning letter we referenced
15 the fact that the Site Plan Sub Division Committee
16 had asked about loading zones, and why they couldn't
17 be internalized inside of the building.

18 We have the architect that is going to
19 be testifying regarding the floor plan, and I think
20 perhaps that may be the time to address why the
21 building can't accommodate the loading zones, and
22 that gets to Commissioner Weaver's question about
23 why they have to be where they are, and how that was
24 arrived at in the original approval.

25 We had indicated based on their

1 response letter of February 21st, they indicate a
2 reply to the testimony on that, so I am just
3 bringing it up now while Todd is up. It might be
4 something that's better looked at when the
5 architects go walking us through the floor plan, but
6 I just wanted to bring that to Mr. Pantel's
7 attention. It is in our letter, and it has to do
8 with the loading zones, which seems to be quite a
9 topic of interest.

10 CHAIRMAN HOLTZMAN: Anybody else from
11 the public?

12 Michael?

13 MICHAEL: Just to follow up on that.
14 The plan says that the Hudson Tea property complies
15 with the loading zone, and it says there is one. If
16 you can help us find that.

17 CHAIRMAN HOLTZMAN: Thank you.

18 Is there somebody else from the public
19 in the back there?

20 The gentleman in the back?

21 MS. REILLY: Stacey Reilly.

22 CHAIRMAN HOLTZMAN: Sure. Just come on
23 up. Come forward. Thanks.

24 MS. REILLY: Reilly, R-e-i-l-l-y.

25 My one question is: If there is a plan

1 for the construction vehicles during the time of
2 construction, being that there is the construction
3 on the corner of 15th and Park right now, parking in
4 the garage, the construction workers are partially
5 parking in the garage, but they park outside waiting
6 to get in, making it hard to make a left-hand turn
7 out into the street, and they coil around waiting
8 for daily spots inside of the garage, which is
9 obviously that company's issue, not yours, and there
10 are vehicles that are large, so they are hard to get
11 around safely.

12 Half of the parking for those
13 construction workers also park on the area they you
14 are developing, so where will the construction
15 vehicles be, like the workers, where will they go
16 during that time?

17 MR. GALVIN: We don't know that yet.

18 What we are going to do is we are going
19 to come up with a construction staging plan that is
20 going to be agreed with the Board Engineer and the
21 City, not as part of this hearing. Subsequently, it
22 is going to be included in the developer's
23 agreement, and this way we will have rules for them
24 to follow when they do it.

25 MS. REILLY: So then just off the

1 topic, the building at 15th and Park, what is their
2 parking plan, because it is failing?

3 MR. GALVIN: I wasn't the attorney when
4 we reviewed it --

5 CHAIRMAN HOLTZMAN: You are saying
6 specifically there is a problem during the
7 construction of the construction workers' equipment
8 and everything --

9 MS. REILLY: During the early morning
10 hours specifically.

11 CHAIRMAN HOLTZMAN: Okay.

12 Is there somewhere we can direct that
13 conversation, Commissioner Marks, in terms of how do
14 we deal with it?

15 It is not the purview of us here nor
16 this hearing, but who in the city does this
17 information need to get to?

18 COMMISSIONER MARKS: So maybe we can
19 speak after this meeting and we can talk to John
20 Morgan, who is the Director of the City Parking
21 Utility, so it is an issue we could bring up with
22 Mr. Morgan.

23 MS. REILLY: Thank you.

24 CHAIRMAN HOLTZMAN: Do you want to come
25 up?

1 MR. PANTEL: By the way, with respect
2 to that Exhibit N-1 that we identified --

3 CHAIRMAN HOLTZMAN: Oh, we don't want
4 to hear anything more about that, Mr. Pantel.

5 MR. PANTEL: I just wanted to make it
6 clear, I do reserve my rights to object to the
7 relevancy of that --

8 CHAIRMAN HOLTZMAN: You said it was
9 good before. Thanks.

10 (Laughter)

11 MR. GALVIN: And it is in evidence, so
12 I don't know where we are going.

13 MR. EVERS: Michael Evers, 252 Second
14 Street, Hoboken, New Jersey.

15 MR. GALVIN: I am not putting you under
16 oath because you are asking questions right now.

17 MR. EVERS: Cool.

18 Michael Evers, E-v-e-r-s.

19 Am I to understand that you have
20 represented to this body that a traffic study that
21 was done 13 years ago is in any way, shape or form
22 accurately reflective of the traffic patterns of
23 that area now?

24 MR. PANTEL: Excuse me. Mr. Hay didn't
25 testify as to the traffic issues associated with the

1 project.

2 MR. EVERS: Are you saying that nobody
3 has thus far represented that fact?

4 MR. PANTEL: I read into the record a
5 portion of a report that was submitted with this
6 application.

7 MR. EVERS: So who would I ask that
8 question to, Counselor?

9 MR. GALVIN: There is really nobody
10 here tonight to ask the question. That is why we
11 asked Mr. Pantel to produce him at the next hearing.

12 MR. EVERS: Uh-huh, okay.

13 So to date, nobody has represented that
14 this traffic study in any way, shape, or form
15 accurately reflects the --

16 MR. PANTEL: No, that is not accurate.
17 No.

18 We submitted -- there's a letter report
19 from our traffic consultant in February of 2014,
20 which addresses the issue that I summarized for the
21 Board, and anybody is free from the public to take a
22 look at that report. It is part of the record and
23 application.

24 MR. EVERS: So this is a new traffic
25 study that has been done?

1 MR. PANTEL: It's a supplemental letter
2 report, which reached the conclusion that I
3 described.

4 MR. EVERS: Does that mean that they
5 took empirical data that was new to do this?

6 MR. PANTEL: The letter report speaks
7 for itself. They didn't do specific traffic counts,
8 but they looked at the project as currently
9 proposed --

10 MR. EVERS: So they didn't do any new
11 traffic counts?

12 MR. PANTEL: Correct.

13 MR. EVERS: Thank you.

14 CHAIRMAN HOLTZMAN: Okay. Mr. Pantel,
15 who do we have next on the agenda?

16 MR. PANTEL: Next we do have our
17 architect, Peter DeWitt.

18 (Board members confer.)

19 MR. GALVIN: Raise your right hand,
20 sir.

21 Do you swear to tell the truth, the
22 whole truth, and nothing but the truth, so help you
23 God?

24 MR. DE WITT: Yes.

25

1 P E T E R D E W I T T, AIA, LEED, AP, DeWitt
2 Tishman Architects, LLP, 770 Lexington Avenue, New
3 York, New York, having been duly sworn, testified as
4 follows:

5 MR. GALVIN: State your full name for
6 the record and spell your last name.

7 THE WITNESS: Peter DeWitt,
8 D-e-W-i-t-t.

9 MR. GALVIN: All right. Mr. DeWitt,
10 you are an architect?

11 THE WITNESS: Yes.

12 MR. GALVIN: Have you appeared before
13 this Board previously?

14 THE WITNESS: Yes.

15 MR. GALVIN: Mr. Chairman, do we accept
16 Mr. DeWitt's credentials?

17 CHAIRMAN HOLTZMAN: Yes, thank you.

18 MR. GALVIN: You may proceed.

19 THE WITNESS: I would like to start
20 with the first floor. I want to outline the changes
21 from 2007 --

22 MR. PANTEL: As you go through this
23 testimony, though, could you proceed to mark and
24 identify the exhibits that you will be using
25 starting with A-2?

1 THE WITNESS: Even if they are part of
2 the package?

3 MR. PANTEL: If they are part of the
4 package and unchanged from the package, just let the
5 Board know that, and they don't need to be marked
6 especially --

7 THE WITNESS: I believe this is going
8 to be marked. This is the first floor plan that we
9 proposed this year now.

10 Over here is the approved plan, if
11 everybody can see that, from 2007, just to recap
12 what we had before.

13 The main difference in plan is that we
14 had two residential lobbies, one on Hudson Street
15 and one on 15th Street. After, you know, reflection
16 and revisiting the project after a period of time,
17 we thought it would be better to combine those
18 lobbies into a single residential lobby, which is in
19 here adjacent --

20 VICE CHAIR MAGALETTA: What document is
21 that?

22 THE WITNESS: I'm sorry?

23 VICE CHAIR MAGALETTA: What is that
24 exhibit?

25 THE WITNESS: This is in your package.

1 MR. GALVIN: Just tell him --

2 THE WITNESS: The first floor plan.

3 VICE CHAIR MAGALETTA: First floor
4 plan.

5 Thank you.

6 THE WITNESS: We combined, which were
7 two separate lobbies with two elevator cores, into a
8 single lobby located adjacent to the corner pocket
9 park, which then splits into the two elevator banks
10 that serve the upper floors.

11 MR. PANTEL: And the benefit of that
12 change, if you will?

13 THE WITNESS: Well, it is better for
14 security. You can have one concierge attending the
15 entrance. In the prior scheme we had a concierge in
16 one location and then like a buzzer system for the
17 other, so this means all of the residents or all of
18 the visitors go through a single entry point.

19 Also, it is more visible, we think more
20 attractive for the building to have it adjacent to
21 the park, that the lobby has windows onto a green
22 area.

23 The parking entrance, the service
24 corridor are all the same locations, as are those
25 that we have been reviewing.

1 The main difference of the size of the
2 plan is that all these services to the building, the
3 water room, the fire pump room, the generator, and
4 the transformers will all be lifted above the flood
5 plain to Elevation 13. Prior to last year, you
6 know, they were lower, down at what was then
7 Elevation 10 and 11.

8 Going up the building, another change
9 is that on the fourth floor landscaped deck, we have
10 a -- the building is three wings, one along Hudson,
11 and one along Washington, and one along 15th with a
12 common courtyard, a landscaped deck between the
13 wings.

14 We had located a pool there. We
15 decided that it would be better to locate that on
16 the roof of the Hudson Street wing and reserve the
17 courtyard for more passive uses.

18 It is better for the pool. It gets
19 more sun on the roof of the Hudson Street wing.
20 It's higher up instead of being in the courtyard
21 shaded by walls, and also it makes the deck quieter
22 because a lot of apartments are looking onto it, and
23 we didn't want them to be disturbed by screaming
24 kids in the pool.

25 (Laughter)

1 This is the new tenth floor plan. We
2 are proposing, as you know, an additional ninth
3 floor on the Hudson Street wing and putting the pool
4 on top of that.

5 This is the plan that will be served
6 by, you know, the elevators that you enter from the
7 lobby, a deck, and also another amenity, an outdoor
8 area that is not associated with the pool, more for
9 quiet enjoyment.

10 This is a section through the pool. At
11 the top here, it sits on top of the ninth story
12 wing --

13 MR. PANTEL: What plan are you
14 referring to?

15 THE WITNESS: This is the section -- it
16 is the building facing north, building section
17 facing north. It is in your package.

18 We put a man and a sight line across
19 Hudson Street to show you that the pool will not be
20 visible from the street or the pool deck will not be
21 visible from the street.

22 Now, the main difference in the prior
23 application, this is from 2007, Hudson Street
24 elevation from 2007, which shows an eight-story
25 building.

1 This is the proposed elevation of 2014,
2 which shows an additional floor, nine floors instead
3 of eight, and then this railing up here indicates
4 where the pool deck is, which is set back from the
5 facade of the building by about eight feet.

6 MR. PANTEL: Now, you are referring to
7 the current, the colored elevation --

8 THE WITNESS: Yes.

9 MR. PANTEL: -- Hudson Street
10 elevation, four stories, with a raised street. I
11 believe that should be marked as an exhibit.

12 Mark that Exhibit A-2.

13 (Exhibit A-2 marked.)

14 And the 2007 elevation, are those part
15 of the current submission?

16 THE WITNESS: No. They were part of
17 the 2007.

18 MR. GALVIN: Let's mark that as A-3.
19 We have very few exhibits here, so --

20 (Exhibit A-3 marked.)

21 MR. PANTEL: So A-3 is the 2007
22 elevation, and A-2 is the colored 2014?

23 THE WITNESS: Yes.

24 Now, in addition to raising utility
25 rooms, and again, any habitable area to Elevation

1 13, we are also proposing to raise the retail
2 windows above a solid stone base, which will be
3 waterproofed, so that the flood waters will not get
4 into the retail space.

5 The retail is going to be at grade.
6 We feel that that is better for street life, if it
7 is more inviting, because you can just walk off the
8 street into a store.

9 And what that does do, you see this
10 here at Elevation 13, you see the windows above
11 that, and then where the doors meet the sidewalks,
12 we are proposing a system of flood panels, where
13 one -- this is supposed to be A-4, I believe, right?

14 (Exhibit A-4 marked.)

15 MR. PANTEL: What is A-4?

16 THE WITNESS: A-4 are details showing
17 the attachment of the flood panels to the building.

18 MR. PANTEL: Is that part of this
19 submission?

20 THE WITNESS: No.

21 There was some questions about how it
22 would be -- in the review letters -- about how it
23 would attach to the building.

24 Basically there are removable standards
25 or stanchions that flank a door, as you see here.

1 And then when, you know, generally
2 there is notice when a big flood event is going to
3 happen. Those stanchions would be installed into
4 holes that would be there all of the time, be
5 screwed into preexisting holes, and then like these
6 boards slide in to protect the entrances up to the
7 Elevation 13.

8 Those are really the main differences
9 from before.

10 This would be A-5.

11 (Exhibit A-5 marked.)

12 This is a section that illustrates the
13 height of the retail sills in relation to the
14 sidewalk. At the worst case, the window still --
15 the retail window sill would be about four feet
16 above sidewalk level. That is still, you know, at
17 eye level or below eye level, so there will be an
18 visual connection between the sidewalk and the
19 retail area.

20 Then along Washington Street, the
21 ground rises, so it would be as little as 18 inches.

22 This is a composite roof plan. I
23 believe this is in your package.

24 This shows the extent of green roof.
25 In our prior 2007 application, we had a lot of

1 private cabanas adjacent to private terraces, which
2 would be sold to building residents.

3 MR. PANTEL: That may be in the
4 submission, but I don't think it is colored, so you
5 should mark it as A-6, which is the colored
6 composite roof plan.

7 (Exhibit A-6 marked)

8 THE WITNESS: Okay. So the main
9 differences is we have a lot less bulkhead area than
10 we did before. We fall within the allowable. It's
11 8 percent of the roof area. Before it was like 22
12 so --

13 MR. PANTEL: You are now in compliance?

14 THE WITNESS: -- we are in compliance
15 with the ordinance. We got a variance years ago,
16 but we don't need it any more.

17 Then, of course, the areas of roof that
18 are undeveloped, which are these green areas, will
19 either have planters with specimen trees or they
20 will have the sort of have green roof with sedum
21 trees.

22 MR. GALVIN: That will be addressed by
23 the landscape architect, though, okay?

24 THE WITNESS: Yes.

25 Any questions?

1 CHAIRMAN HOLTZMAN: Are there any
2 comments from the professionals?

3 COMMISSIONER FORBES: Yes. I have one.

4 CHAIRMAN HOLTZMAN: Go ahead, Director.

5 COMMISSIONER FORBES: You had mentioned
6 for the doorways for that flood proofing, I'm just
7 curious, you had said that there would be boards
8 that slide in. Where are those stored?

9 I mean, I want to make sure those would
10 be something that would be acceptable.

11 THE WITNESS: Well, the first floor has
12 a lot of sort of service area. They would be on
13 hand on the first floor, residential area, service
14 area.

15 MR. HIPOLIT: Why not the automatic
16 gates?

17 There are a number of companies that
18 make an automatic gate that sits as part of the
19 sidewalk. And when water hits that gate structure
20 and fills up the sump below it, the gate just pops
21 right up slowly and covers the door until the flood
22 waters recede.

23 THE WITNESS: We could look into it.

24 CHAIRMAN HOLTZMAN: Any questions from
25 the Commissioners?

1 COMMISSIONER GRAHAM: No.

2 CHAIRMAN HOLTZMAN: Dave?

3 MR. ROBERTS: Yes.

4 I was curious if you could take us back
5 to the ground floor. I wanted to see if you could
6 walk us around the service corridors for the retail
7 in terms of positions of the loading dock and
8 maybe -- I know that you had shown us the floor plan
9 from the 2007 versus the present one. I know you
10 talked a little bit about the internal operation of
11 the garage and to what extent there was not -- you
12 indicated there was no opportunity for any kind of a
13 loading opportunity inside of the building.

14 THE WITNESS: Yes.

15 Well, this is Hudson Street. The
16 garage entrance that you see, this vertical piece
17 here.

18 Next to it is a service corridor, which
19 is about eight feet wide, which goes from the
20 sidewalk elevation, which is Elevation 9, up to the
21 back of the house, where the services are at
22 Elevation 13.

23 Then off of this higher elevation are
24 the electric rooms and fire pump rooms and generator
25 rooms and the compactor room.

1 The service corridor continues north
2 until it reaches the elevator bank servicing this
3 wing of the building, and here there will also be
4 another compactor room servicing trash rooms that
5 are located above adjacent to each elevator bank,
6 so, you know, recyclables and such will come out and
7 be wheeled down to the loading area.

8 MR. ROBERTS: Now, I noticed when we
9 had our professional meetings and so on, that the
10 reason that was given, one of our questions was:
11 Could there be a widening of the ramp next to the
12 service corridor to allow for a truck to pull into
13 the garage and pull off to the side and not for cars
14 to get past it, and I think the answer was that
15 there was not enough room for that.

16 THE WITNESS: There isn't, and it is
17 complicated by the different slopes to get the cars
18 up to into the garage, and you probably don't want a
19 slope on the loading dock.

20 MR. ROBERTS: Right.

21 So that is a ramp that's going up, and
22 that and the width of the ramp for both -- because
23 that is the only lane in and out of the garage --

24 THE WITNESS: Yes.

25 MR. ROBERTS: -- the two-way flow is

1 supposedly -- just basically you are saying there is
2 no place to widen it. There's no place to create
3 the extra room?

4 THE WITNESS: Right.

5 MR. ROBERTS: And no place inside of
6 the parking area for that kind of a --

7 THE WITNESS: No. When you get up
8 here, you are at Elevation 16, which is above the
9 retail level.

10 The retail is at grade. You know, it
11 is at Elevation 10.33 up on Washington, Elevation
12 8.83 along 8th Street -- it goes with the
13 sidewalk --

14 MR. ROBERTS: And there wouldn't be any
15 way to use any portion of the interior of the
16 building for residential loading purposes, or if you
17 could just address that.

18 I guess, I don't know -- you know,
19 ceiling heights, talking about three-dimensional
20 space --

21 THE WITNESS: Yes. I mean, we have a
22 15 foot first floor, which is enough to accommodate
23 a truck. We would have to delay these ramps to pass
24 that. It would be a significant puzzled change.

25 COMMISSIONER WEAVER: But it is

1 possible?

2 THE WITNESS: Anything is possible, but
3 I would have to consult with my client who is
4 putting this building --

5 CHAIRMAN HOLTZMAN: Commissioner
6 Weaver, you had something else for us?

7 COMMISSIONER WEAVER: As far as the
8 retail area goes, how much has changed since the
9 last plan?

10 THE WITNESS: Prior we had three
11 separate retail areas. We had an L-shaped retail
12 fronting on this pocket park.

13 Then we had a big chunk facing
14 Washington Street, and then a smaller area at the
15 corner of 14th and Hudson.

16 COMMISSIONER WEAVER: Can I get a
17 square footage total for that?

18 THE WITNESS: This one is 26,000 square
19 feet, you know, facing Washington.

20 The retail facing the park was 6500,
21 and this piece was 3900 at Hudson and 14th.

22 MR. PENTEL: So the prior plan had
23 three components of retail, 26,000, plus 6500, plus
24 3900?

25 THE WITNESS: Yes, that's correct.

1 Now, we combined -- you know, we got
2 rid of this separator that was connecting the two
3 lobbies, so now all of the retail on Washington and
4 15th Street is connected.

5 Then we have two smaller retail spaces,
6 again, a similar size as to what existed prior at
7 14th and Hudson, and then another smaller retail
8 area.

9 COMMISSIONER WEAVER: What is the
10 square footage?

11 THE WITNESS: We have 3400, plus maybe
12 800, plus 22,000, plus 2500, plus 3800, I don't know
13 what that adds up to

14 The retail is pretty similar. I don't
15 believe there is any more retail than it was prior.
16 We felt that by making it more contiguous, there
17 were more opportunities --

18 MR. PANTEL: The same quantity of floor
19 area, but a better configuration and a more viable
20 and vital configuration, is that correct?

21 THE WITNESS: Yes. We think so. This
22 is more flexible for a subdivision.

23 CHAIRMAN HOLTZMAN: Did you just need
24 the square footage, Dan, or was there a follow-up?

25 THE WITNESS: Did you say it was

1 22,000?

2 MR. PANTEL: 3400, plus 4800, plus
3 22,000, plus 2500, plus 3800, correct?

4 THE WITNESS: Yes.

5 CHAIRMAN HOLTZMAN: Is somebody adding
6 this up?

7 MR. ROBERTS: Yes.

8 MR. GALVIN: Several people are now
9 adding this up.

10 (Laughter)

11 MR. GALVIN: We are looking for the
12 before and after number on the amount of retail.

13 THE WITNESS: Here is before.

14 MR. ROBERTS: It's 36,400 versus
15 36,500.

16 THE WITNESS: Okay. Not much of a
17 change.

18 CHAIRMAN HOLTZMAN: 100 square foot
19 difference.

20 Did you have anything else for the
21 architect, Dan, or did you want us to --

22 COMMISSIONER WEAVER: Why couldn't the
23 loading be -- so you are saying the loading could be
24 provided at grade, but it would just be a loss of
25 retail?

1 THE WITNESS: It would also require a
2 lot of refiguring of mechanical spaces.

3 VICE CHAIR MAGALETTA: Mechanical
4 spaces, did you say?

5 THE WITNESS: Yes, mechanical spaces.

6 VICE CHAIR MAGALETTA: I thought the
7 mechanical was going to be above.

8 THE WITNESS: They are, but they had to
9 move the plan. This is only eight foot wide, and it
10 has to be at least 14 foot wide to accommodate a
11 truck, and we have the ramp issues. It has to be
12 more of a web of ramps that we have to design.

13 COMMISSIONER WEAVER: Well, they
14 wouldn't have the ramp, right, they would be at
15 grade?

16 THE WITNESS: No. We still have to
17 ramp up to the elevation from the sidewalk up to
18 Elevation 13.

19 COMMISSIONER WEAVER: Up to 13?

20 THE WITNESS: Yes. All of these roads
21 in the back are all basically --

22 COMMISSIONER WEAVER: What is the grade
23 at?

24 THE WITNESS: At the entrance, it's
25 9.33. The loading entrance is 9.33. It is three

1 foot eight.

2 COMMISSIONER WEAVER: That's actually
3 perfect for a loading dock apron --

4 THE WITNESS: Well, a lot of trucks --

5 COMMISSIONER WEAVER: -- we are not
6 going to get into it tonight.

7 THE WITNESS: Good.

8 COMMISSIONER WEAVER: Thank you.

9 CHAIRMAN HOLTZMAN: Okay?

10 COMMISSIONER WEAVER: Yes.

11 CHAIRMAN HOLTZMAN: Commissioners,
12 anything else?

13 Is there anybody from the public that
14 has questions for the architect?

15 MR. ANTONELLI: I'm Louis Antonelli.
16 That's A-n-t-o-n-e-l-l-i. Excuse me.

17 MR. GALVIN: We should be asking, but
18 we haven't. We want to know your street address.

19 MR. ANTONELLI: I'm sorry?

20 MR. GALVIN: You should tell us your
21 street address. We should be asking.

22 MR. ANTONELLI: 1500 Hudson Street.

23 MR. GALVIN: All right. Go ahead.

24 It's just questions at this time.

25 MR. ANTONELLI: Yup.

1 I just wanted to understand, if you can
2 maybe elaborate on why the pool is being moved from
3 an interior bowl to a rooftop. What is the purpose
4 of that?

5 THE WITNESS: Well, the interior bowl,
6 there were shadows cast by the Washington Street
7 wing and the Hudson Street wing, and then also we
8 were afraid it would be noisy. A lot of units, a
9 lot of residential units face that interior
10 courtyard.

11 MR. ANTONELLI: Well, would you not
12 agree that that could be noisy for the community as
13 well?

14 THE WITNESS: I think it's up on the
15 roof of the ninth floor, which would have a lot of
16 less impact.

17 MR. ANTONELLI: Well, the building that
18 is right on top of that is 12 stories.

19 THE WITNESS: It is adjacent, so --

20 MR. ANTONELLI: Well, as a resident of
21 1500 Hudson Street, I have a significant concern
22 about the point that the architect raised, in that
23 they are trying to move it because of noise, and
24 that is certainly going to have an impact on people
25 that live in my building, and these are people that

1 actually bought from this developer.

2 MR. GALVIN: I'm sorry.

3 There is going to be an appropriate
4 time for you guys to comment. It might not happen
5 tonight, if we don't get to the end, but at this
6 point we are just asking questions. We're
7 cross-examining the witness, so you will have
8 another opportunity to tell us how you feel about
9 it.

10 MR. ANTONELLI: Okay.

11 One of your concerns was the noise, and
12 that was the reason you're moving it.

13 THE WITNESS: Yes, one of the reasons.
14 There were shadows.

15 MR. ANTONELLI: Thank you.

16 MR. GALVIN: Thank you very much.
17 Thank you.

18 CHAIRMAN HOLTZMAN: Anybody else?

19 MS. EDELMAN: Laura Edelman,
20 E-d-e-l-m-a-n, 1500 Hudson Street.

21 MR. GALVIN: Sure. Just questions.

22 MS. EDELMAN: I know.

23 MR. GALVIN: Okay.

24 MS. EDELMAN: So in your choosing to
25 move the pool from the interior courtyard to the

1 floor of the ninth floor roof, did you at all
2 consider how that would be a benefit to that one
3 particular building, but a detriment to the
4 community, the larger community?

5 THE WITNESS: I believe the pool is
6 going to be open to others besides people in this
7 building.

8 MS. EDELMAN: It is not --

9 THE WITNESS: I stand corrected.

10 MS. EDELMAN: That was not considered?

11 It was just considered then that it
12 would be a benefit to the residents of that one
13 building, and it wasn't considered that it would be
14 a detriment to the people in the adjacent building?

15 THE WITNESS: I don't think it would be
16 a detriment.

17 MS. EDELMAN: Well, if people are at
18 the pool, and they are yelling and loud, and there's
19 kids and there's splashing, and people are living
20 right there and looking at that, you thought it was
21 going to be loud and noisy for the people for that
22 building, so it is not loud and noisy for us who
23 live right next door?

24 THE WITNESS: Actually it is pretty far
25 away from the 12-story wing of our building, and you

1 are at 1500 Hudson --

2 MS. EDELMAN: Uh-huh.

3 THE WITNESS: -- which is -- so you are
4 over here behind this wing.

5 MR. PANTEL: This is an important
6 point. I think it will clear up the noise issue.

7 You are looking now at -- identify the
8 plan you are looking at.

9 THE WITNESS: This is --

10 MR. PANTEL: You're Looking at Exhibit
11 A-2.

12 THE WITNESS: Yes.

13 MR. PANTEL: And Exhibit A-2 is the
14 Hudson Street elevation, and to the right is 15th
15 Street, is that correct?

16 THE WITNESS: That's correct, yes.

17 MR. PANTEL: To the left is 14th
18 Street?

19 THE WITNESS: Yes.

20 MR. PANTEL: Could you point out on
21 Exhibit A-2, please, where the pool would be
22 located?

23 THE WITNESS: It is on the roof of the
24 ninth floor.

25 MR. PANTEL: So roughly maybe halfway

1 down Hudson Street to 14th?

2 THE WITNESS: Yes.

3 CHAIRMAN HOLTZMAN: Specifically where
4 the railing is, is that correct?

5 THE WITNESS: Yes.

6 MS. EDELMAN: So if you are --

7 MR. GALVIN: Wait, wait. One second,
8 please. I'm sorry.

9 Can I interrupt for one second?

10 You collected a whole bunch of people
11 that want to see what you are doing, and I think we
12 should let them go over and take look at it. I
13 think that would be nice.

14 (Laughter)

15 Can you guys see it?

16 Do you want to go closer?

17 Go closer and take a look.

18 (Audience views exhibit)

19 MS. EDELMAN: So can you please orient
20 15th Street --

21 THE WITNESS: Yes.

22 THE REPORTER: Wait a second. Who is
23 talking?

24 MR. GALVIN: Nobody is talking. I'm
25 going to say it.

1 (Laughter)

2 The residents want to know where their
3 building is in relationship to the proposed
4 building.

5 THE WITNESS: Where I am waving my
6 hand.

7 MR. PANTEL: No. That is not a good
8 enough answer.

9 To the right-hand side of the elevation
10 on Exhibit A-2 is 15th Street.

11 Across from 15th Street is the Tea
12 Building and the 1500 Hudson Street address?

13 THE WITNESS: Correct.

14 MR. PANTEL: And where the swimming
15 pool is located on the other side --

16 THE REPORTER: I can hardly hear you
17 over here.

18 CHAIRMAN HOLTZMAN: Mr. Pantel, just
19 turn so we can hear you.

20 MR. PANTEL: Okay.

21 Is it correct that the pool on the top
22 of the ninth floor as shown on Exhibit A-2 is
23 essentially behind where the railing is depicted at
24 the roof line on Exhibit A-2?

25 THE WITNESS: Yes.

1 MR. PANTEL: So is it fair to say then
2 that noise that emanates from the pool will
3 certainly be shielded (A) by the considerable
4 distance from 1500 Hudson Street on the opposite
5 15th Street?

6 THE WITNESS: Yes.

7 MR. PANTEL: (A).

8 And (B) would that noise also be
9 shielded by the fact that you have a 12-story
10 building, three stories higher than that swimming
11 pool, between the pool and the buildings across the
12 street at 1500 Hudson Street?

13 THE WITNESS: Yes.

14 MR. GALVIN: Now, we are going to go
15 back to the questions. If the person could return
16 to the questions, and thank you for allowing us to
17 show your neighbors what is going on.

18 (Laughter)

19 MS. EDELMAN: This is open space?

20 THE WITNESS: Correct, yes.

21 MS. EDELMAN: So this is the 12-story
22 thing, and this is the roof or the pool?

23 THE WITNESS: Yes.

24 MS. EDELMAN: So it is a question of
25 the people, all of these people who are here, can

1 see there. I don't know if they can hear it. I
2 don't know how that noise travels, but I am just
3 saying that that is -- there is this open space here
4 as well.

5 THE WITNESS: It is about 300 feet away
6 from the pool.

7 MR. PANTEL: So it is about the length
8 from the pool to the 1500 Hudson building is about
9 300 feet, that's the length of a football field?

10 THE WITNESS: Yes.

11 MS. EDELMAN: Thank you.

12 MR. PANTEL: Thank you.

13 MR. GUBTA: May I ask a question,
14 just so that it's more efficient for everybody?

15 CHAIRMAN HOLTZMAN: No. We are going
16 to do it one at a time because we need to get people
17 identified.

18 Do you want to come forward and ask?

19 MR. GUBTA: Yes. Can I?

20 CHAIRMAN HOLTZMAN: Sure. Don't run
21 away.

22 MR. GUBTA: My name is Vikram Gubta,
23 and I live at --

24 CHAIRMAN HOLTZMAN: Just spell your
25 last name, please.

1 MR. GUBTA: Sure.

2 It's G, as in George, u-b-t-a.

3 THE REPORTER: How do you spell your
4 first name?

5 MR. GUBTA: V-i-k-r-a-m.

6 CHAIRMAN HOLTZMAN: And you live at?

7 MR. GUBTA: 1500 Hudson.

8 Just a follow-up to the question that
9 was raised.

10 Would you, in your opinion, be able to
11 purport to us that the people who are in the
12 swimming pool are not going to walk around and sort
13 of go further around on the deck closer to us, which
14 could be a hundred feet or 50 feet?

15 THE WITNESS: No. The deck is 20 feet
16 here.

17 MR. GUBTA: And none of them --

18 THE WITNESS: No.

19 MR. GUBTA: -- and then in your
20 qualified opinion, you don't think the voices can
21 travel that far?

22 THE WITNESS: I don't think it would be
23 a disturbance.

24 MR. GUBTA: Are you qualified to give
25 us that?

1 MR. GALVIN: No. He is an architect.

2 He drew the plan.

3 MR. GUBTA: Okay. Sorry.

4 Can I get to my second question?

5 I am not exactly a technical guy, but I

6 didn't understand where the loading zones were.

7 How many loading zones are there in

8 this building?

9 THE WITNESS: Two.

10 MR. GUBTA: And they are on 15th

11 Street, Hudson Street and Washington Street?

12 THE WITNESS: Yes.

13 MR. GUBTA: In your opinion, do you

14 think two loading zones are sufficient for a

15 building with 200-odd units and --

16 THE WITNESS: You know what, I am not a

17 traffic guy.

18 MR. GALVIN: Let me just stop you.

19 The ordinance requires them to have

20 two. You are asking whether they should have more

21 than two.

22 MR. GUBTA: Yes, because I will tell

23 you where I am coming from, and maybe I will echo my

24 concern and then perhaps --

25 MR. GALVIN: No. I was just going to

1 say this issue came up before when the engineer
2 went, and the Board has already understood that the
3 neighbors were concerned that there was an
4 insufficient loading area for all of the people that
5 are going to be in and out of the building, but I
6 don't know what the Board is going to do yet on that
7 issue.

8 MR. GUBTA: Okay. So that will be part
9 of a resolution and then sort of --

10 MR. GALVIN: Again, at this point the
11 ordinance requires them to have two, and they have
12 two.

13 CHAIRMAN HOLTZMAN: It is on our list
14 of things to talk about and consider.

15 MR. GUBTA: Okay. I will rest my case.

16 CHAIRMAN HOLTZMAN: So we are not
17 concluded on that yet.

18 MR. VAN DOORM: I'm Jan-Willen Van
19 Doorm, V-a-n D-o-o-r-m.

20 CHAIRMAN HOLTZMAN: What was the first
21 name?

22 MR. VAN DOORM: Jan-Wiloen, J-a-n
23 hyphen W-i-l-l-e-n.

24 THE REPORTER: Wait a second. What was
25 your first name?

1 (Laughter)

2 MR. GALVIN: She's got to take it down,
3 so if you go too fast --

4 CHAIRMAN HOLTZMAN: Just slow down a
5 little bit.

6 MR. VAN DOORM: Jan-Willen, J-a-n
7 hyphen W-i-l-l-e-n.

8 Last name Van Doorm, V-a-n space
9 D-o-o-r-m.

10 CHAIRMAN HOLTZMAN: And you live where,
11 sir?

12 MR. VAN DOORM: 1500 Hudson.

13 CHAIRMAN HOLTZMAN: Okay, great.

14 MR. VAN DOORM: I have a question on
15 the rooftop.

16 Sir, it looks like you have two
17 rooftops on both sides?

18 THE WITNESS: Yes, we do. We have a
19 community rooftop at the corner of 15th and Hudson
20 and another one at the corner of 15th and
21 Washington.

22 MR. VAN DOORM: What do you expect the
23 noise will be that high up?

24 My concern is with 1450, there is quite
25 a bit of noise coming from that rooftop at night

1 while I am asleep, so I was wondering what your
2 concerns were about the noises coming from that
3 rooftop from the 1450 Hudson Street because we live
4 right next to there.

5 THE WITNESS: I don't know.

6 MR. VAN DOORM: I am a little concerned
7 because I am literally here.

8 THE WITNESS: Oh, you're there, a
9 hundred feet away.

10 MR. GALVIN: Mr. Pantel, has any
11 thought been given to hours of operation of the
12 pool?

13 MR. VAN DOORM: It's not just the pool.
14 It's also the rooftop --

15 MR. GALVIN: Okay. So we can include
16 the rooftop in that.

17 MR. PANTEL: Pool hours of operation
18 are typically determined by the residents
19 themselves, the condominium association, so it is
20 not something that the developer would typically
21 control.

22 CHAIRMAN HOLTZMAN: Well, the developer
23 will be in control for quite some time in this
24 building.

25 MR. PANTEL: Right. But ultimately it

1 is usually a matter of the residents themselves, but
2 I can explore that with my client.

3 CHAIRMAN HOLTZMAN: Yes. I think we
4 need to add that to the list of things to at least
5 put some hours of operation.

6 MR. PANTEL: I would also like to add,
7 too, that the city, I would imagine, has its own
8 noise control ordinances --

9 CHAIRMAN HOLTZMAN: We certainly do.

10 MR. PANTEL: -- which obviously they
11 are not a matter of the Planning Board purview.
12 It's a matter of the city policing those ordinances,
13 if it turns out there really happens to be a
14 violation of those ordinances.

15 You know, I do a lot of Planning Board
16 applications, and questions like this often do come
17 up from time to time, and the answer really
18 typically lies with the fact that the municipality
19 may have noise control ordinances, which is bound to
20 police it.

21 The only time you have a different
22 situation is if you are going to be proposing, you
23 know, a heavy duty piece of mechanical equipment,
24 that might clearly violate the ordinance, and we
25 certainly don't have that here.

1 CHAIRMAN HOLTZMAN: So we are going to
2 put that on our list of things to talk about and
3 consider putting some hours of operation on the pool
4 and the roof decks and things like that. Where we
5 figure it out, I am not sure, but if you have a
6 suggestion, we're happy to hear it.

7 MR. VAN DOORM: The same as music being
8 played.

9 CHAIRMAN HOLTZMAN: Right.

10 Just so that you know, this building or
11 any building or noise from the street is also
12 governed by the city's noise ordinances, which
13 sometimes it is a matter of an enforcement issue
14 with the police department and things like that, but
15 there are other ways to go about handling that.

16 MR. VAN DOORM: Thank you.

17 CHAIRMAN HOLTZMAN: Thank you.

18 Yes?

19 MR. KORDALIS: Dean, D-e-a-n, Kordalis,
20 K-o-r-d-a-l-i-s, 1500 Hudson.

21 Quick question.

22 You said you moved this Hudson Street
23 thing here from eight stories to nine stories?

24 THE WITNESS: Yes.

25 MR. KORDALIS: What is the difference

1 in height?

2 THE WITNESS: Nine feet eight inches.

3 MR. KORDALIS: And that extra floor, is
4 that actually units or is that just the --

5 THE WITNESS: It's units.

6 MR. KORDALIS: Okay.

7 Then earlier, the engineer was
8 mentioning about some green garden area that is
9 going to absorb all of the water that's coming down
10 and things like that. Is that public space --

11 MR. GALVIN: Well, the engineer will
12 talk about that, and then there will be a landscape
13 architect when we get to him, and he is going to
14 describe that area.

15 MR. KORDALIS: Okay. I will wait for
16 that.

17 MR. GALVIN: Thank you.

18 CHAIRMAN HOLTZMAN: Great.

19 Your name again just so we got you?

20 MS. QUINT: Cynthia Quint, 1500 Hudson.

21 I don't know in relation to this, there
22 is a restaurant with a roof deck --

23 CHAIRMAN HOLTZMAN: That is not their
24 property, ma'am. You are talking about the City
25 Bistro?

1 MS. QUINT: Yes.

2 CHAIRMAN HOLTZMAN: That is not their
3 property.

4 MS. QUINT: I know, but I'm saying they
5 have an open roof area, and I don't know where it is
6 in relation to that, but that noise is easily heard.

7 CHAIRMAN HOLTZMAN: Okay.

8 THE WITNESS: On 14th Street?

9 MS. QUINT: It is 14th Street --

10 ANOTHER VOICE: Washington and --

11 MS. QUINT: -- uh-huh, so I don't know,
12 I am not sure where it is in relation, but I am
13 saying that that noise is a disturbance, and I don't
14 know in terms of proximity in feet, in terms of what
15 you have next to the noise that is coming from that,
16 so I don't know the relationship distance-wise.

17 CHAIRMAN HOLTZMAN: Sure.

18 Commissioner Marks, you had a question?

19 COMMISSIONER MARKS: Based on the size
20 of the pool and the size of the deck, is there a
21 maximum occupancy that has been calculated for that?

22 THE WITNESS: Yes, but I don't have
23 that number here. It has to do with the size of the
24 deck.

25 CHAIRMAN HOLTZMAN: Let's make sure we

1 get that.

2 Commissioner Magaletta, did you have
3 anything?

4 VICE CHAIR MAGALETTA: No.

5 CHAIRMAN HOLTZMAN: Were there any --
6 sure.

7 MS. SIMPSON: Sue Simpson, 1500 Hudson.

8 I agree with some of the objections
9 that folks here have mentioned regarding the noise,
10 not only do you hear it from City Bistro, but you do
11 hear it from 1450 Hudson. But I also object because
12 I am directly impacted in terms of my --

13 MR. PANTEL: Are we going into comments
14 here or questions?

15 MR. GALVIN: We shouldn't.

16 MS. SIMPSON: I have a question.

17 CHAIRMAN HOLTZMAN: It's questions
18 about the architect.

19 MS. SIMPSON: My partial view will be
20 obstructed.

21 In addition, I will have less sunlight
22 entering my apartment, and I would like to know why
23 you need to build an extra floor, if you are going
24 to have the same number of units.

25 THE WITNESS: Well, the extra floor is

1 on Hudson, and you are across 15th, correct?

2 MS. SIMPSON: I am on Hudson and 15th.
3 I'm on the corner. I'm over here.

4 THE WITNESS: You are over here.

5 MS. SIMPSON: Oh, okay, I'm sorry. You
6 are right. I look this way, so adding another level
7 here adds another this, plus this --

8 THE WITNESS: Yes. Well, we did it
9 to -- we changed our unit mix to include more larger
10 units.

11 MS. SIMPSON: So more children, more
12 people with cars and things like that and so --

13 THE WITNESS: Well, part of --

14 MS. SIMPSON: -- now you are going to
15 move the burden of the pool from the middle where
16 your residents live to us, so I think that's a big
17 objection.

18 MR. PANTEL: Excuse me.

19 We are getting into editorial comments
20 instead of questions.

21 Can we please limit the public to
22 questions?

23 CHAIRMAN HOLTZMAN: Yes. Thank you,
24 Mr. Pantel.

25 MS. SIMPSON: Thank you.

1 MR. PANTEL: Thank you.

2 CHAIRMAN HOLTZMAN: I just want to
3 reiterate for the public, while we are certainly
4 happy to take all of the questions and comments, but
5 what we are specifically working on right now is we
6 have the architect up here, so this is like a cross-
7 examination that the public is able to do for the
8 architect. If you can just try to kind of stay on
9 that a little bit --

10 MR. GALVIN: Your name for the record
11 and your street address again. I'm so sorry.

12 MR. EVERS: Michael Evers, 252 Second
13 Street.

14 MR. GALVIN: Thank you.

15 Please proceed.

16 MR. EVERS: Can you summarize the
17 changes, you know, broadly, not a tiny little bit,
18 the changes that are causing you to come before this
19 Board for this approval?

20 THE WITNESS: I just did.

21 The first floor, we made two lobbies
22 into one. We raised the mechanical rooms to
23 Elevation 13. We relocated the pool from the fourth
24 floor to the ninth floor roof.

25 MR. EVERS: Question: So it was an

1 interior pool?

2 THE WITNESS: It was in the courtyard
3 like I said --

4 MR. EVERS: Oh, it was outside?

5 THE WITNESS: Yes, it was outside.

6 MR. EVERS: It was not enclosed?

7 THE WITNESS: No. It was in the
8 courtyard.

9 MR. EVERS: Thank you.

10 THE WITNESS: And we removed a lot of
11 roof bulkheads, did less development on the roof,
12 raised the retail sills to Elevation 13 --

13 MR. EVERS: Uh-huh.

14 THE WITNESS: -- that is about it.

15 MR. EVERS: Did you -- you left out
16 that you are putting an additional floor on.

17 THE WITNESS: No. I said that. I said
18 that three times.

19 MR. EVERS: Good.

20 And that doesn't require a variance?

21 THE WITNESS: No.

22 MR. EVERS: Could I ask why?

23 MR. PANTEL: It complies with the
24 applicable provisions of the ordinance, less than
25 the maximum permitted height.

1 MR. EVERS: I was asking about the
2 number of floors.

3 MR. PANTEL: The number of floors
4 complies with the ordinance.

5 MR. EVERS: Is that so?

6 CHAIRMAN HOLTZMAN: They were approved
7 for more. They were actually approved for more
8 units as well originally in their original
9 agreement.

10 MR. EVERS: All right. I have no other
11 questions.

12 MR. GUBTA: I have one more question.

13 CHAIRMAN HOLTZMAN: Just your name
14 again real quick.

15 MR. GUBTA: Vikram Gubta.

16 THE REPORTER: I'm sorry, but you will
17 have to spell it for me again.

18 MR. GUBTA: V-i-k-r-a-m G-u-b-t-a.

19 MR. GALVIN: But she will have it
20 memorized by the morning.

21 (Laughter)

22 MR. GUBTA: I'm pretty sure by the end
23 of the night.

24 (Laughter)

25 One question for you, sir.

1 In your design, we realize the fact and
2 appreciate the fact --

3 THE REPORTER: Please speak slower.

4 CHAIRMAN HOLTZMAN: Please slow down a
5 little bit, so the reporter can get you down.

6 MR. GUBTA: I apologize. I'll go
7 slower.

8 In your conceptualization of the
9 design, is retail space that has been created for
10 this building, does your design take into
11 consideration the type of shops that would be
12 retailing out of this space?

13 THE WITNESS: No.

14 MR. GUBTA: For example, for higher or
15 lower foot traffic?

16 THE WITNESS: No. Retail won't be
17 leased until the building is done. I just don't
18 know what we will have --

19 MR. GUBTA: So the 36,500 square foot
20 of space could be for higher foot traffic sort of
21 like a vendor like Shop Rite or BJ's or it could
22 even be for --

23 THE WITNESS: It could be --

24 MR. GUBTA: -- you can't comment --

25 THE WITNESS: -- right, I can't.

1 MR. GUBTA: Okay. I just wanted to
2 make that note.

3 CHAIRMAN HOLTZMAN: Was there another
4 hand here?

5 Michael?

6 MR. GALVIN: State your name for the
7 record and your street address.

8 MR. HENDERSON: Mike Henderson, 1500
9 Hudson Street.

10 Did you look at all -- you moved the
11 entrance to the building from the center block to a
12 corner block? It looks like you had two entrances.

13 THE WITNESS: Yes. We had two before
14 and now we have one.

15 MR. HENDERSON: So you moved it to a
16 corner block. The concern that I would have is --

17 MR. PANTEL: Excuse me.

18 Is there a question?

19 To articulate comments or concerns,
20 that is not part of the hearing --

21 MR. HENDERSON: There is a question.

22 So the question is: Did you look at
23 the actual flow of traffic flowing into that, and my
24 concern is my front entrance across the street is
25 directly opposite your front entrance and the use

1 at --

2 THE WITNESS: At 1500 Washington?

3 MR. HENDERSON: 1500 Hudson, across the
4 street.

5 THE WITNESS: There is a parking lot
6 across the street.

7 MR. HENDERSON: No. The entrance to
8 1500 is right here.

9 So that is a drop off point for
10 residents of 1500 Hudson --

11 THE WITNESS: Isn't the entrance more
12 on Washington Street?

13 MR. HENDERSON: There are two
14 buildings. The main entrance to 1500 Hudson is
15 right here, so there is a bump-out in the street --

16 THE WITNESS: Okay.

17 MR. HENDERSON: -- that's used for cab
18 dropoffs, resident dropoffs, food deliveries, and
19 everything.

20 So did you look at how this entrance
21 would be used? The concern being other vehicles
22 doing the same activity right in front of each
23 other.

24 THE WITNESS: Well, they are a hundred
25 feet apart at least.

1 MR. HENDERSON: We are across the
2 street.

3 THE WITNESS: Well, this is set in a
4 hundred feet from the corner.

5 MR. HENDERSON: The activity being the
6 traffic that's coming there.

7 THE WITNESS: And then the street is 80
8 feet, so it is 180 feet from --

9 MR. HENDERSON: You don't have the
10 Hudson Street outline there?

11 There is a bump-out in the entrance,
12 and the traffic that flows through there is a
13 concern. I am just asking if you had looked at the
14 flow of traffic there in that design.

15 THE WITNESS: This bump-out?

16 MR. HENDERSON: Yes, right opposite the
17 entrance.

18 THE WITNESS: You know what, it is a
19 different street, over a hundred feet away. It is a
20 city --

21 CHAIRMAN HOLTZMAN: Hey, Mike, I think
22 maybe this falls under the category of the traffic
23 issue, which is what we are going to try to revisit,
24 so I don't think that the architect can really speak
25 to this.

1 Would you agree with that?

2 MR. HENDERSON: I think it's again --

3 CHAIRMAN HOLTZMAN: It is on our radar.
4 It's on our list of stuff. No question.

5 MR. HENDERSON: Great. Thank you.

6 CHAIRMAN HOLTZMAN: Was there anything
7 specific to the architect, otherwise we are going to
8 need to make a decision as to -- Mr. Pantel, who
9 would be next on our agenda?

10 MR. PANTEL: Our landscape architect.

11 CHAIRMAN HOLTZMAN: Does the landscape
12 architect have an idea for us as to what the length
13 of the testimony will be?

14 MR. CARMAN: My testimony in terms of
15 reviewing the different changes and such is only
16 about ten minutes.

17 CHAIRMAN HOLTZMAN: Let's go at it.

18 MR. CARMAN: All right. Thank you.

19 (Board members conferring)

20 MR. CARMAN: Good evening, everybody.
21 My name is Thomas S. Carman. I am a
22 principal with Melillo & Bauer Associates.

23 MR. GALVIN: That's wonderful.

24 Do you swear to tell the truth, the
25 whole truth, and nothing but the truth so help you

1 God?

2 MR. CARMAN: I do.

3 T H O M A S S. C A R M A N, LLA, Melillo & Bauer
4 Associates, 200 Union Avenue, Brielle, New Jersey,
5 having been duly sworn, testified as follows:

6 MR. GALVIN: State your full name for
7 the record.

8 THE WITNESS: Thomas S. Carman,
9 C-a-r-m-a-n.

10 MR. GALVIN: All right.

11 Mr. Chairman, Mr. Carman has appeared
12 before me on many occasions in Hoboken, so
13 do we accept his credentials as a landscape
14 architect?

15 CHAIRMAN HOLTZMAN: Yes, we do.

16 MR. GALVIN: Thank you.

17 You may proceed.

18 THE WITNESS: Great.

19 What I would like to do is I will
20 start -- this is an overall composite landscape plan
21 that I will mark as A-7 --

22 MR. GALVIN: Mr. Pantel, do you have
23 the number?

24 MR. PANTEL: A-7 with today's date,
25 3/4/14.

1 (Exhibit A-7 marked.)

2 CHAIRMAN HOLTZMAN: Can you move that
3 one to the easel a little closer to us, and maybe
4 you can just move the whole thing forward?

5 THE WITNESS: Okay.

6 So this graphic is a color version of
7 the landscape plans that have been submitted,
8 showing the street level with Hudson, 15th and
9 Washington Street at the top. And then what it
10 does, it also builds on to various rooftop levels,
11 the fourth floor, and then the other rooftops making
12 their way up.

13 So as I mentioned, what I will do is I
14 will kind of focus on the changes that have occurred
15 from the 2007 landscape plan to what we have here.

16 CHAIRMAN HOLTZMAN: Hang on one second.

17 THE WITNESS: Yes.

18 CHAIRMAN HOLTZMAN: Does anybody need
19 to know the difference between 2007 and today, or
20 would you rather just have today?

21 (Board members confer)

22 CHAIRMAN HOLTZMAN: Let's go with
23 today.

24 THE WITNESS: Perfect.

25 CHAIRMAN HOLTZMAN: And is there some

1 reason we can't put this map pointing north as up?

2 MR. PANTEL: We can do that.

3 THE WITNESS: We sure can.

4 I am going to move this one over to the
5 other easel.

6 What I will do is this shows just the
7 street level, okay?

8 So what we have got proposed, as our
9 civil engineer indicated, we have the street scape
10 detailed, which has some pavers, pervious pavement
11 and pervious pavers, and then street trees, street
12 lights and additional planters. There is a lot more
13 planting that is purposed on the plan today in 2014
14 than previously.

15 The street trees have been selected for
16 the Filterra Bioretention System, which are the
17 smaller trees located along Washington and Hudson.

18 MR. PANTEL: For the record, you are
19 identifying that as A-8, which is your landscape
20 plan at street level, correct?

21 THE WITNESS: Correct.

22 (Exhibit A-8 marked.)

23 MR. PANTEL: Proceed with respect to
24 A-8.

25 THE WITNESS: So the street trees that

1 are the smaller ones --

2 COMMISSIONER CONROY: Oh, it is 3/4/14
3 just to --

4 THE WITNESS: It is.

5 COMMISSIONER GRAHAM: We wish it was
6 April.

7 MR. PANTEL: Thank you.

8 THE WITNESS: It would be spring.

9 (Laughter)

10 So the trees that have been selected to
11 work with the Filterra Bioretention System are an
12 amelanchier. It's a native tree, which is
13 appropriate for that situation.

14 CHAIRMAN HOLTZMAN: Hang on one second.
15 Mr. Marks, are we --

16 COMMISSIONER MARKS: I will be right
17 back.

18 CHAIRMAN HOLTZMAN: One moment.

19 Then we are going to hold our testimony
20 for one moment.

21 MR. GALVIN: We will wait for you.

22 (Board members confer.)

23 CHAIRMAN HOLTZMAN: We are taking five
24 minutes. There you go.

25 (Recess taken)

1 CHAIRMAN HOLTZMAN: Okay.

2 We are going to get going here, guys.

3 CHAIRMAN HOLTZMAN: All right. Mr.

4 Pinchevsky, show photos, but be quite, please.

5 Thank you.

6 Mr. Pantel, the floor is yours.

7 MR. PANTEL: Thank you very much.

8 I would like to continue with Mr.

9 Carman's testimony describing the landscaping

10 improvements.

11 THE WITNESS: So along Hudson Street

12 and on Washington Street, the Filterra system is

13 along there. Those are the smaller trees that the

14 civil engineer had talked about. Those are --

15 MR. PANTEL: He's referring to Exhibit

16 A-8.

17 THE WITNESS: I am. A-8.

18 Those are the items where stormwater

19 makes their way into those. They filter the water.

20 It's a pretreatment. The amelanchier that are

21 proposed for that, it's a native tree. It's one of

22 the trees on the NJDEP's list.

23 The other, the larger shade trees are

24 red maple, and those are planted within larger

25 planting areas. So those planted areas include a

1 native woody ground cover, and then there are also
2 some areas of a herbaceous ground cover.

3 So in terms of -- what you really have
4 to think about in terms of snow plowing and such,
5 which was mentioned earlier, these are plants that
6 the herbaceous ground cover lays on the ground
7 during winter and then becomes dormant. It can
8 be -- snow can be piled on it. It is not an issue.

9 Then the other plant is a woody ground
10 cover, but it's a colonizing ground cover in that it
11 creates shoots that spread throughout. It is not
12 invasive. It is native, but it's very good for this
13 kind of an application. It takes salt throughout
14 the winter and such.

15 Along 13th Street, we are proposing
16 that those existing trees along there remain --

17 A VOICE: It's 14th Street -- 15th --

18 THE WITNESS: I'm sorry -- 15th, 15th,
19 it is upside down.

20 (Laughter)

21 So anyway, that is 15th Street.

22 The open space at the corner of 15th
23 and Hudson Street has been revised from what was
24 previously approved. It was considerably treated
25 with hard scape, and now there is a lot of planting

1 there. It is designed as a rain garden to take some
2 water in and allow that water to filter through.

3 There are a series of platforms that
4 would bring pedestrians through them.

5 This we will mark as A-9.

6 (Exhibit A-9 marked.)

7 This is a view looking into that space,
8 which is at the intersection looking back at the
9 building.

10 This is all planted with native species
11 that are iris, biberna, ilex and betula, which is
12 birch, create a lush setting and has this platform
13 making its way through that allows people to kind of
14 walk through and engage that landscape.

15 There was a comment earlier, and it was
16 also a comment at the sub committee about the
17 possibility of incorporating some educational
18 signage within this area, and the applicant is okay
19 with doing that, and thinks it is a wonderful idea.

20 So that would allow pedestrians to
21 understand what this space is doing, how it is
22 benefiting stormwater and green infrastructure.

23 COMMISSIONER PINCHEVSKY: What's
24 underneath -- it looks like the folks in the
25 middle -- I apologize. Is it okay if I ask a

1 question?

2 THE WITNESS: Yes, sure.

3 (Laughter)

4 MR. GALVIN: Are you the Chair now?

5 (Laughter)

6 COMMISSIONER PINCHEVSKY: Thank you.

7 The platform that the folks are walking
8 over in that picture, what underneath it?

9 What are they walking -- what is the
10 platform covering?

11 THE WITNESS: It is all planted
12 underneath there, except for where the structure
13 needs to happen, so it is essentially a depressed
14 area, so that ground coverage makes its way under
15 there.

16 Directly underneath it, where maybe
17 there is not enough sun that the planting -- there
18 would probably be some stone within that area.

19 COMMISSIONER PINCHEVSKY: Now, if there
20 is heavy rain or flooding, would that fill up with
21 water, is that the purpose or not?

22 THE WITNESS: There is a drain or a
23 release that it would not overflow or anything, but
24 water would rise up to a point, and then it would go
25 into a drain.

1 MR. PANTEL: It is part of the
2 bioretention system.

3 THE WITNESS: It is part of the overall
4 system that's been designed from a civil engineering
5 perspective. The water would not come up to the
6 platform level. It would be below that, so you
7 could walk.

8 COMMISSIONER PINCHEVSKY: Well, that's
9 good.

10 (Laughter)

11 And it doesn't appear to have any --
12 maybe all the way in the back there, I can't tell,
13 there is not really any benches or it's not meant
14 for a place for people to stay and enjoy?

15 Like somebody was referring to it as a
16 pocket park, and it does look actually very nice in
17 this picture in what you are showing us, but it is
18 not meant for people to hang out, or based on this
19 picture it would not appear as through it's meant
20 for a place for people to hang out.

21 Am I interpreting this incorrectly?

22 THE WITNESS: No, no, that's true.
23 This is more of a pedestrian pass-through space, I
24 would say, visually very nice and certainly an
25 environmental benefit.

1 CHAIRMAN HOLTZMAN: Commissioner
2 Pinchevsky also had a question about making sure
3 that there was sort of no encumbrances to any
4 pedestrians --

5 COMMISSIONER PINCHEVSKY: Yeah. I
6 mean, based on this diagram, I don't see where it
7 possibly could be. I was thinking where they would
8 put the chains up.

9 However, yes, one of the questions I
10 had earlier was: If this was open space essentially
11 to the public, I would want to make sure that it is
12 inviting to them as opposed to, you know, one little
13 narrow pathway that they could enter, if they chose,
14 that they might not even realize they had the
15 option.

16 However, again, based on what I am
17 seeing here in front of me, I don't think it is an
18 issue.

19 CHAIRMAN HOLTZMAN: Is it accurate to
20 say based upon the rendering that we have there,
21 that there are no gates, there are no encumbrances
22 to anybody from the public walking down the sidewalk
23 to go in and around and through the walkway in the
24 rain garden, is that correct?

25 THE WITNESS: That's correct.

1 CHAIRMAN HOLTZMAN: Commissioner

2 Graham?

3 COMMISSIONER GRAHAM: Would there be
4 any benches, or is it just totally you have to walk
5 or stand and you can't enjoy it?

6 THE WITNESS: There is in the back area
7 located right there, there is a bench located there.

8 COMMISSIONER GRAHAM: One?

9 COMMISSIONER PINCHEVSKY: Is that right
10 near the lobby entrance?

11 THE WITNESS: It's adjacent to the
12 lobby entrance.

13 COMMISSIONER CONROY: But that is
14 because you can't put structure on top of the
15 bioretention area, right?

16 THE WITNESS: That's correct.

17 Within this platform area, we are
18 trying to keep that narrow to allow pedestrians to
19 walk through it and not have to -- and allow the
20 most planting, so below it, we can get a little bit
21 of planting there, but primarily along the middle of
22 it, it has to be some stone.

23 CHAIRMAN HOLTZMAN: Mr. Hipolit, or
24 Dave, you had something?

25 MR. ROBERTS: Yes. I had a question.

1 Mr. Chairman, when I looked at this,
2 when I looked at the plans, I interpreted there is
3 some seat wall areas. The planter up against the
4 building, is that going to -- it looks from the
5 drawing as if it's not a seat wall -- no, I'm
6 talking about --

7 CHAIRMAN HOLTZMAN: To the rear --

8 MR. ROBERTS: -- I'm right alongside
9 the building in the rear.

10 THE WITNESS: Oh, right here. Right.

11 MR. ROBERTS: Yes.

12 Because I read that as seating
13 opportunities in the space.

14 The other thing is I see in this
15 rendering, which we didn't have in the past, that
16 everything is at grade because I was interpreting a
17 lot of the perimeter of the rain garden as also
18 being a seat wall. It obviously is not going to be
19 that case.

20 I am wondering if you could notch in
21 some bench areas around the perimeter, especially
22 the outer perimeters of that green space just maybe
23 on gravel or what-have-you, so that there are more
24 seating opportunities in that space.

25 CHAIRMAN HOLTZMAN: Commissioner

1 Magaletta?

2 VICE CHAIR MAGALETTA: When you say
3 "seed" wall, you mean a wall --

4 MR. ROBERTS: A "seat" wall where you
5 can actually sit on, a ledge of a planter that's at
6 seat level.

7 VICE CHAIR MAGALETTA: Oh, seat level.

8 CHAIRMAN HOLTZMAN: S-e-a-t.

9 VICE CHAIR MAGALETTA: Okay.

10 COMMISSIONER BHALLA: Mr. Chairman?

11 CHAIRMAN HOLTZMAN: Yes.

12 COMMISSIONER BHALLA: The walkway
13 appears to be nothing more than an ingress and
14 egress to the building. Is that right?

15 THE WITNESS: There are two walkways.

16 Looking at A-8 along the eastern side
17 of the building, there is the pervious paver walkway
18 bringing you over to the lobby, and then
19 additionally there is a platform walkway bringing
20 you out towards the intersection.

21 COMMISSIONER BHALLA: And neither is
22 anything more than an ingress and egress to the
23 building entrance, correct?

24 THE WITNESS: That's correct. They
25 lead you to the front door.

1 COMMISSIONER BHALLA: So the walkway is
2 not -- I mean, I know it is public in that anybody
3 can walk on the ingress and egress, but its sole
4 purpose is an exit and entry point to the building,
5 correct?

6 THE WITNESS: That's correct.

7 COMMISSIONER BHALLA: Okay. Now, can
8 you put up that other chart?

9 THE WITNESS: Sure. A-9.

10 COMMISSIONER BHALLA: You said it is a
11 park, a pocket park.

12 Is there any portion of that pocket
13 park that is walkable, for example, where there is
14 sod or grass, or are these all -- is it just for
15 viewing pleasure, or can somebody walk and spend
16 time on anything other than the ingress and egress?

17 THE WITNESS: On the green space
18 itself, people would not be walking on it. That is
19 all plant material that is rain garden plant
20 material.

21 CHAIRMAN HOLTZMAN: It's more of a
22 stormwater pleasure.

23 MR. HIPOLIT: Exactly.

24 This area, we are calling it a rain
25 garden. We're calling it a pocket park. It is a

1 detentional basin. It is there for stormwater
2 management.

3 (Laughter)

4 (Everyone talking at once.)

5 COMMISSIONER BHALLA: This is not a
6 park, but you can call it a pocket park.

7 THE WITNESS: I just want to make sure
8 we got our terminology correct.

9 This is not a park, but you're calling
10 it a pocket park. I haven't said it's a pocket park
11 actually --

12 COMMISSIONER BHALLA: I heard the
13 term --

14 (Witness and Commissioner Bhalla
15 talking at the same time.)

16 THE WITNESS: -- I think --

17 COMMISSIONER BHALLA: -- I just want it
18 clear what --

19 THE WITNESS: -- it is a stormwater
20 amenity is what it really is.

21 MR. HIPOLIT: It's a stormwater
22 management system.

23 COMMISSIONER BHALLA: So it is not for
24 public use except for the residents who go inside
25 and outside, and the visitors who go inside and

1 outside of the building --

2 THE WITNESS: That's correct.

3 COMMISSIONER BHALLA: -- and then it
4 provides the benefit of the stormwater event --

5 THE WITNESS: Sure.

6 COMMISSIONER BHALLA: -- and it
7 provides these botanical esthetic benefits, but it's
8 not a place for people to sit and recreate, correct?

9 THE WITNESS: Correct.

10 COMMISSIONER BHALLA: I just want to be
11 clear as to what we are looking at.

12 MR. PANTEL: As you can see, it is far
13 more attractive than your average basin.

14 COMMISSIONER BHALLA: Correct. I just
15 wanted to know what I was looking at.

16 CHAIRMAN HOLTZMAN: Commissioner
17 Pinchevsky?

18 COMMISSIONER PINCHEVSKY: Yeah, the
19 picture --

20 MR. HIPOLIT: Again, I don't want to
21 devalue it. I'm an engineer.

22 A rain garden or a rain garden that
23 they call a detention basin, it's going to look like
24 a stormwater structure. It's not going to look like
25 a park, so don't be fooled by that.

1 It is impossible to maintain it like a
2 park. It costs so much money, they'd never do it.

3 COMMISSIONER PINCHEVSKY: What is
4 required in the original developer's agreement?

5 What is the language of the original
6 developer agreement?

7 What is required?

8 CHAIRMAN HOLTZMAN: Mr. Pantel, can you
9 give us any insight on that?

10 There was always this cutout in the
11 building. I don't know what the original detail
12 was.

13 MR. PANTEL: I couldn't say offhand,
14 but obviously this change was made to the plan to be
15 consistent with the city's objectives with respect
16 to implementation of bioretention areas to mitigate
17 flooding impacts.

18 I suppose, you know, you can't always
19 have your cake and eat it, too. We'd all like to
20 have our cake and eat it, too, but maybe to some
21 extent there is a little bit of a trade-off.

22 Before this was a paved area, where you
23 could have benches, and you could read, and the
24 public could gather, so be it. But we have changed
25 it to be part of this bioretention area. It is

1 obviously attractive, and it obviously serves a very
2 important purpose, but it is no longer, you know,
3 serves as a seating and gathering area per se. So
4 there is, I suppose, you can say some kind of
5 trade-off in that regard, but we think it is a very
6 attractive element to the plan.

7 I could see if it's nicely maintained,
8 you might find some members in the public who want
9 to meander to the area.

10 CHAIRMAN HOLTZMAN: Mr. Pinchevsky?

11 COMMISSIONER PINCHEVSKY: I just have a
12 question regarding Mr. Roberts' comments.

13 I think it was pretty -- I agree with
14 him regarding the possibility of a seat wall, and I
15 don't know if it was ever responded to.

16 I think he asked him, and then we went
17 off to Commissioner Bhalla, so I was just wondering
18 if he did have any opinion on the possible seat
19 wall.

20 MR. ROBERTS: Well, the combination of
21 the seat wall and having the planter wall at seat
22 level in one area and adding benches around the
23 perimeter of the rain garden.

24 COMMISSIONER PINCHEVSKY: Because if it
25 in reality is as attractive as it is in the picture,

1 I don't see why people wouldn't sit outside and grab
2 a sandwich or something along those lines.

3 THE AUDIENCE: It is not that big.

4 COMMISSIONER PINCHEVSKY: I'm sorry?

5 THE AUDIENCE: It is not that big.

6 CHAIRMAN HOLTZMAN: Let's keep --

7 COMMISSIONER PINCHEVSKY: Sure. I
8 mean, I don't think we are referring to a couple
9 hundred people hanging out there and listening to
10 music, but, you know, even a handful of folks, it
11 might be more attractive than a lot of the entrances
12 we see in town.

13 THE WITNESS: It is -- 50 by 65 is the
14 space. We will look at the possibility of, you
15 know, that being where Dave mentioned this may be as
16 a seat wall. Based on the architecture there,
17 that's all masonry, and we can raise that up and
18 create a seat wall over there.

19 MR. PANTEL: Well, maybe we can have a
20 little bit of cake and eat it, too?

21 (Laughter)

22 THE WITNESS: Sure, sure.

23 CHAIRMAN HOLTZMAN: Commissioner
24 Weaver?

25 COMMISSIONER WEAVER: To sort of go

1 back to Councilman's Bhalla's eloquent way he put
2 it, there really isn't much of a public amenity for
3 this park. It is the front door basically. It is a
4 highly landscaped open space, although mandated by
5 the developer's agreement, which serves as the front
6 door to your building, and there really isn't much
7 of a benefit to the public in that they are not
8 barred from using it, but there is very little
9 utility for them. There is no place for them to
10 sit. There's really no place for them to go unless
11 they are going to go to the front door of your
12 building.

13 That being said, the idea of it being
14 an ugly retention pond is probably balanced by the
15 fact that it will be the front door to their
16 building, and they will want to maintain it in a
17 manner to which their tenants are accustomed, so we
18 just need to balance that.

19 I mean, there was an intent in the
20 original developer's agreement that this be some
21 kind of a, you know, something to benefit the
22 general public. It's really a landscaped front
23 door.

24 CHAIRMAN HOLTZMAN: I think some of the
25 benefit, though, is certainly offset that they are

1 now, you know, it allows them to enhance their
2 stormwater management. I don't think that is to be
3 underestimated, and this is, you know, a really
4 important component of them in terms of the
5 engineering numbers being able to achieve --

6 COMMISSIONER PINCHEVSKY: What is the
7 water table?

8 MR. GALVIN: Mr. Hay?

9 THE WITNESS: What was the question?

10 COMMISSIONER PINCHEVSKY: What's the
11 water table?

12 MR. HAY: I believe the water table is
13 actually not as shallow as everybody thinks. It's
14 actually quite deep.

15 MR. HIPOLIT: I mean, I can speak a
16 little bit because we did -- when the Tea building
17 was built, we did an inspection for that, and they
18 did their water lines, and it is pretty deep. I
19 would say eight feet, maybe more.

20 COMMISSIONER PINCHEVSKY: Is it at an
21 elevation of eight feet?

22 MR. HIPOLIT: It's about eight feet
23 from the surface.

24 COMMISSIONER PINCHEVSKY: Oh, eight
25 feet from the surface?

1 MR. HAY: Six to eight feet. We
2 actually did a sampling to see if there was any
3 benefit to actually doing any type of a recharge,
4 and we also wanted to make sure that the stormwater
5 system had some type of separation between the
6 ground water and what we were proposing, and we
7 found out it was six to eight feet in depth.

8 CHAIRMAN HOLTZMAN: Commissioner
9 Conroy, do you have something?

10 COMMISSIONER CONROY: As a
11 professional, do you think it is fair to say that
12 this bioretention area is bringing a significant
13 benefit to the community where -- maybe even
14 potentially more so than having a place with, you
15 know, stone and benches to sit on in the long-term
16 betterment of our community?

17 MR. HIPOLIT: Yes. You need this rain
18 garden in this area for stormwater benefit, but I
19 think it is a great idea. I mean, Dave would talk a
20 lot here, that if you could make it a public amenity
21 that has some open space and looks good, I think
22 that's a big benefit to you. You get two benefits
23 at once.

24 COMMISSIONER CONROY: So this is
25 probably a pretty good solution to that.

1 MR. HIPOLIT: I think so.

2 COMMISSIONER CONROY: And then the next
3 thing I wanted to ask you, when they did the
4 original plan for this building, say all of us did
5 not see what happened, you know, with Sandy, so now
6 when we look at these things, yes, it might have
7 said in the original plan it should be a place for
8 some benches and so people can have a sandwich and
9 hang out, but now looking back, it makes much more
10 sense to me to let them do what they are doing in
11 this markup.

12 CHAIRMAN HOLTZMAN: Great. Thank you.

13 MR. ROBERTS: If I could just add, Mr.
14 Chairman, too, in the process from the time we did
15 the concept review, we have done like four letters
16 as this process has kind of evolved.

17 When we first looked at that space,
18 especially looking at the original design from the
19 2007 plan, where it was mostly hard scape, there
20 were some planted areas that were originally shown,
21 and we said, can you expand on the planted areas,
22 and while you are doing that, can you set up the
23 under layer of the planting area, so that the
24 landscaping that you do and the planting that you
25 select has that ability to absorb stormwater as

1 well.

2 So these plant selections are based on
3 two things. One, it is a landscape plan, like you
4 would do the landscape in front of any building that
5 you are trying to make attractive, but at the same
6 these are plants that were selected because not only
7 is the water going through and the under layers are
8 designed to absorb the water, but the plants
9 themselves absorb the water into the root system.

10 So, you know, the difference between a
11 rain garden and any other, like an English garden,
12 or any other type of planted space is that it has
13 the ability to absorb the maximum amount of
14 stormwater, which is why Commissioner Weaver's
15 question about the depth of the ground water is
16 important because you want to make sure that there
17 is the capacity for the water to get into the ground
18 and get into the roots, so this is a landscaped
19 area. It's not a detention basin to disagree with
20 my esteemed colleague.

21 MR. HIPOLIT: No, I am --

22 (Everyone talking at once.)

23 (Laughter)

24 MR. ROBERTS: But it can, I think,
25 because of that have more seating area, more

1 opportunities for seating, so that it can be also a
2 park-like space as well, so I think that is the
3 message, and I apologize for not making that part of
4 our review letter to the applicant earlier on, but
5 that was because I misread the plan in terms of -- I
6 thought that was a seat wall area around the green
7 space, and it is not. It is flush, so...

8 THE WITNESS: We will restudy that and
9 adjust that to provide some seating opportunities.

10 COMMISSIONER WEAVER: Does that sit --

11 CHAIRMAN HOLTZMAN: Go ahead, Dan.

12 COMMISSIONER WEAVER: -- I'm sorry.
13 What is the width of the walkway?

14 CHAIRMAN HOLTZMAN: Yes. I was looking
15 at that, too. Go to the top. Obviously, they have
16 to -- no, that walkway or -- I was thinking of the
17 walkway coming in from the north, because if he is
18 going to put a seat wall there, he has to constrain
19 in terms of the traffic flow going north.

20 COMMISSIONER WEAVER: No. I am looking
21 at the wooden walkway and that given the geometry
22 that they have chosen, there are certain deed areas
23 in that "Z" form, which would lend themselves
24 towards seating opportunities which could be
25 exploited.

1 What is the width of it?

2 THE WITNESS: The platform itself, the
3 walking leg is six feet.

4 The central platform is ten by about 17
5 or 18.

6 COMMISSIONER WEAVER: I mean, it just
7 seems to me there would be an opportunity there for
8 some seating, but it might be a nice place to sit
9 and read a book.

10 THE WITNESS: Correct.

11 COMMISSIONER WEAVER: I mean, it's -- I
12 would also say that maybe the angle of it would want
13 to be less than 90 degrees -- because as so often
14 happens in this town, people want to cut the corner,
15 and the bridge would actually allow you to do that
16 as opposed to just providing an entrance to a
17 private building.

18 CHAIRMAN HOLTZMAN: So you are
19 suggesting what, to turn the --

20 COMMISSIONER WEAVER: The rotation of
21 the "Z" shaped 90 degrees--

22 CHAIRMAN HOLTZMAN: To cut the corner?

23 COMMISSIONER WEAVER: Yeah.

24 COMMISSIONER CONROY: You need to
25 actually pass through versus the means of entry --

1 CHAIRMAN HOLTZMAN: Oh, oh,

2 COMMISSIONER WEAVER: I mean, nobody is
3 going from the corner to the face of the building --
4 I mean, none of the public is going from the corner
5 to the face of the building.

6 If you really want to encourage the
7 public to use and participate in this public
8 space --

9 CHAIRMAN HOLTZMAN: Let them cut off
10 the corner.

11 COMMISSIONER WEAVER: -- which for the
12 record, in the 2004 agreement, it looks like on Page
13 9, right before Item 16, it is described as a pocket
14 park at 15th and Hudson, which is intended to be a
15 little landscaped area and a small urban space.

16 MR. PANTEL: What page?

17 COMMISSIONER WEAVER: It appears to be
18 Page 9. It's item probably 15(t).

19 CHAIRMAN HOLTZMAN: Commissioner
20 Pinchevsky, you had something?

21 COMMISSIONER PINCHEVSKY: I was
22 wondering what is the width of the sidewalk, where
23 in the diagram, I believe there is a woman with a
24 purple shirt.

25 THE WITNESS: Right there?

1 COMMISSIONER PINCHEVSKY: Yeah.

2 THE WITNESS: That is an eight foot
3 sidewalk. The walks along Hudson, along 15th and
4 down along Washington are all eight foot clear.
5 They are still on the side. There is an additional,
6 like if we went curb to building face, that is 18
7 feet, but there is some planting there, so we have
8 clear eight foot of pedestrian foot traffic.

9 COMMISSIONER PINCHEVSKY: Yeah. I
10 mean, I think I am done talking about seating.

11 CHAIRMAN HOLTZMAN: Okay.

12 COMMISSIONER PINCHEVSKY: To me, it
13 seems like a pretty neat idea. I have not seen this
14 in Hoboken, and I just think we can definitely
15 really enhance it and really get the best of both
16 worlds, even though there it is a very small area,
17 and I would love to see this on a bigger scale, you
18 know, I am focused on this, this one specific aspect
19 of the project.

20 So I would like more seating and not
21 necessarily just close to the building, but also
22 closer towards the sidewalk. I don't know if you
23 can actually put it on the sidewalk because it is
24 city property, but I am throwing it out there for
25 you and brilliant minds to work with.

1 COMMISSIONER WEAVER: What's the --
2 going to Washington Street, are we putting new trees
3 on Washington Street?

4 THE WITNESS: Washington, yes. They
5 are new.

6 COMMISSIONER WEAVER: What is the
7 caliper of those trees?

8 THE WITNESS: I believe they are three
9 and a half inch caliper. The red maples are a three
10 to three and a half inch caliper.

11 The amelanchier that go in the Filterra
12 system are two and a half to three caliper. The
13 ball size of them have to be smaller in order to fit
14 within that --

15 COMMISSIONER WEAVER: In that same 2004
16 document, item -- Item C-19 -- C-20 requires that
17 they be four and a half caliper trees.

18 CHAIRMAN HOLTZMAN: Did you folks
19 consult with our Shade Tree Commission at all and
20 take any of their guidelines?

21 They have some specific callouts on
22 species and calipers that they recommend for town.

23 Did you consult that at all?

24 THE WITNESS: We looked at their list
25 in terms of varieties. The varieties are in keeping

1 with it, but I am not sure in terms of the actual
2 caliper what the Shade Tree Commission recommends
3 there. We can --

4 MR. GALVIN: Can you put a phone call
5 out between now and the next meeting?

6 CHAIRMAN HOLTZMAN: Also, you can check
7 with our Board Secretary. Pat has a listing, a
8 couple of pages of an outline that the Shade Tree
9 Commission has provided to us that gives you some
10 specific guidance, and it gives you a contact person
11 on there as well.

12 THE WITNESS: Okay.

13 CHAIRMAN HOLTZMAN: Are you good?

14 COMMISSIONER WEAVER: One more. I'm
15 sorry.

16 CHAIRMAN HOLTZMAN: Okay.

17 COMMISSIONER WEAVER: Is it your
18 opinion that the rooftops of the buildings are
19 landscaped to the greatest extent possible?

20 THE WITNESS: Yes, yes, and I can go
21 into those right now.

22 CHAIRMAN HOLTZMAN: Please do.

23 MR. ROBERTS: Oh, before we do that,
24 Mr. Chairman, just one thing I wanted to point out.

25 In our letter, if you look at the space

1 on Washington, and I know we were kind of getting on
2 the Washington Street side, the bump-out goes
3 perpendicular. We had suggested that the strikers
4 be incorporated into those planting areas, and I
5 noticed on Mr. Carman's diagram here that that has
6 been done, so it is in two places I think, Tom,
7 right, here and here?

8 THE WITNESS: That's correct.

9 MR. ROBERTS: So those two bumps-outs
10 have been expanded to increase those landscaped
11 areas, and I just wanted to note that for the
12 Board's attention because it is the difference
13 between the two --

14 CHAIRMAN HOLTZMAN: What is the
15 landscaping on there while we are here?

16 THE WITNESS: That's the same ground
17 cover as I mentioned earlier.

18 CHAIRMAN HOLTZMAN: Great.

19 THE WITNESS: Thank you for pointing
20 that out.

21 CHAIRMAN HOLTZMAN: On to the roof,
22 Tom.

23 VICE CHAIR MAGALETTA: Actually before
24 you do that, in that bioretention area, on the wall,
25 is there any thoughts of putting like a green wall

1 and planters and things like that, is there any
2 thought?

3 I am not saying you have to, but any
4 thought of doing that, since you do the whole
5 concept of water retention?

6 THE WITNESS: Well, along -- on the
7 architecture itself there, there is a lot of windows
8 right along looking out on the space, so I don't
9 think we have that opportunity.

10 VICE CHAIR MAGALETTA: Okay. That is
11 fine. I thought it was solid.

12 Thank you.

13 THE WITNESS: This is the fourth floor
14 plan. I will mark this as A-9 --

15 CHAIRMAN HOLTZMAN: A-10.

16 MR. PANTEL: A-10.

17 THE WITNESS: -- A-10.

18 (Exhibit A-10 marked.)

19 MR. PANTEL: It is a colored plan.

20 THE WITNESS: The fourth floor we have
21 an amenity terrace on the north right off of the
22 interior amenity space.

23 We have private residential terraces
24 for the residential units that look out on to this
25 rooftop, and then we have a large long panel where

1 previously there was the pool.

2 This is when we were talking earlier
3 during the civil engineer's testimony, there was
4 discussions of rooftop gardens and exactly how these
5 areas are treated. There are two kinds of green
6 roofs that are incorporated into the design. This
7 is what is called an intensive green roof, so this
8 has roughly 12 inches of soil that has plants that
9 you would find in typical on-grade applications.

10 It has some trees that are within
11 planters, planters that provide 30 inches of soil
12 depth, and it is all engineered soil for this kind
13 of application, and the plants are all selected for
14 this. Planter walls and planter curbs provide the
15 soil depth irrigated --

16 CHAIRMAN HOLTZMAN: Is the irrigation
17 going to be by turning on the faucet, or are you
18 going to tell me something that is wonderful that
19 you are going to get water from your retention
20 system to water this roof?

21 THE WITNESS: We are not doing any rain
22 water harvesting, if that is what you meant.

23 CHAIRMAN HOLTZMAN: Is there any
24 potential for that or any kind of a gray water
25 scenario to get this outdoor lawn, rooftop lawn

1 watered?

2 THE WITNESS: Well, we have studied
3 rainwater harvesting in the past in terms of -- and
4 often the supply and demand never really correlate
5 in terms of timing. When it is summer, and we want
6 to irrigate this, we don't -- we are not capturing
7 the rain at that point. It requires cistern
8 locations and mechanicals that --

9 CHAIRMAN HOLTZMAN: Are very expensive.

10 THE WITNESS: -- at this point we are
11 not conformable with pursuing, but --

12 CHAIRMAN HOLTZMAN: My concern is that
13 we have got a lawn on top of a building, ala
14 Rockefeller Center, and it is going to require an
15 enormous amount of water to survive in 12 inches of
16 soil, and that it is also going to get beat to heck
17 from all of the kids that are going to live in this
18 building, and I can't envision that being,
19 unfortunately, a great solution from a maintenance
20 and an ongoing and green -- and all of the other
21 wonderful green things that you folks have
22 incorporated into this plan, I was quite
23 disappointed to see that a lawn was still being
24 proposed here.

25 COMMISSIONER WEAVER: Or at least a

1 lawn, which is using potable water to irrigate it.

2 CHAIRMAN HOLTZMAN: I think that
3 regardless, they are going to have a maintenance
4 problem with sustaining any kind of a reasonable
5 green, not destroyed lawn, at which point it
6 becomes, you know, are they going to end up having
7 to put a synthetic turf down there in the long run
8 anyway.

9 COMMISSIONER PINCHEVSKY: What is the
10 reason for that, because in 12 inches you don't
11 think is enough?

12 CHAIRMAN HOLTZMAN: I think when you
13 are putting -- when you're trying to grow grass on
14 top of a building, that it is going to require an
15 awful lot of, you know, moisture. That 12 inches of
16 soil is going to dry out a lot more than somebody's
17 front lawn that is attached to the earth.

18 COMMISSIONER WEAVER: Well, that's a
19 different issue.

20 I'm just saying that's why the
21 maintenance of it, the use or the overuse of it, it
22 could be a problem. The actual irrigation of that
23 turf, though, is --

24 CHAIRMAN HOLTZMAN: That is another
25 issue.

1 COMMISSIONER WEAVER: -- what you're
2 saying -- I mean, that's a different issue, and that
3 could require copious amounts of potable water.

4 Then if there is no basement in this
5 building, why tanks couldn't be put into the ground,
6 rainwater harvesting, I mean, this is not the first
7 project that has done this certainly.

8 VICE CHAIR MAGALETTA: The project we
9 had recently with the huge cistern, huge tanks, part
10 of their program was to use rainwater and feed the
11 trees.

12 CHAIRMAN HOLTZMAN: Please continue
13 with the testimony, Tom.

14 MR. PANTEL: He is going back to the
15 one irrigation question.

16 Could you comment on the quantity of
17 water that would be used for that lawn as opposed to
18 a lawn, which is at grade on the ground in an open
19 sunny area?

20 THE WITNESS: I think that a rooftop
21 that has 12 inches of soil. The drainage layer has
22 a water holding capacity in it, so as rain perks
23 through, there is that egg crate system that is
24 holding maybe an inch of water, that is going to
25 make its way back up into the lawn.

1 I don't know that it is going to need a
2 lot more water than a traditional lawn. A
3 traditional lawn needs to be irrigated a couple of
4 times a week, which I think is what this would
5 require.

6 MR. PANTEL: What is the area of the
7 lawn?

8 THE WITNESS: The lawn is 40 by 70.

9 CHAIRMAN HOLTZMAN: That is pretty big.

10 COMMISSIONER WEAVER: I don't want you
11 to think you are missing our point --

12 THE WITNESS: No, I understand.

13 COMMISSIONER WEAVER: -- you can't have
14 a lawn at grade, it would be any better. A lawn is
15 an environmental problem, right?

16 CHAIRMAN HOLTZMAN: There are a lot of
17 lawns that are being removed now even in this
18 environment, where people are putting in more
19 naturally sustainable types of things as opposed to
20 the old-fashioned suburban lawn.

21 COMMISSIONER WEAVER: Yeah. One --
22 there isn't even an argument to say that Astro --
23 you call it Astro-Turf --

24 CHAIRMAN HOLTZMAN: Turfing.

25 COMMISSIONER WEAVER: -- there are some

1 nicer -- yeah, some synthetic play areas, which are
2 somewhat even more sustainable than having a lawn
3 because it requires also fertilizer. I mean --
4 although there was an idea -- I had asked you about
5 the -- you know, was the roof -- were the roofs
6 landscaped to the greater extent possible, right,
7 and you said yes.

8 But I think the intent here was not
9 that you do it as an environmental insensitive as
10 possible, but you try to be as forward thinking and
11 environmentally sensitive as you can, and I just
12 don't think know that watering a lawn with potable
13 water is what they had in mind. If it was going to
14 be maybe a sedum area that you could look at it,
15 that would be fine.

16 But we are creating a private play
17 enclave, which is fine, you know, it's an amenity
18 for your tenants, but why can't we do it in a more
19 responsible way? I think that's what we are trying
20 to say.

21 CHAIRMAN HOLTZMAN: Yes. I would mimic
22 Commissioner Weaver well.

23 I mean, my taste and my thoughts would
24 be to either stream. It would either be a true
25 green roof with a sedum that just absorbs water and

1 sits there by itself that nobody goes on, or that it
2 be some type of a synthetic turf.

3 COMMISSIONER WEAVER: Or use
4 rainwater --

5 COMMISSIONER CONROY: Or a courtyard.

6 CHAIRMAN HOLTZMAN: We will let the
7 Commissioners flush that one out. Let's continue
8 with the testimony.

9 MR. PANTEL: Synthetic turf is
10 definitely not a permeable area. It doesn't pose
11 the --

12 CHAIRMAN HOLTZMAN: Andy, does it
13 affect our calculation in terms of --

14 MR. HIPOLIT: Well, if you were to put
15 synthetic turf up there, the synthetic turf that's
16 designed today is a hundred percent permeable, and
17 it allows water to pass to a lower sub surface that
18 should recharge.

19 I would think on a rooftop of this
20 nature, you would not want a synthetic turf. I
21 think you would want to lean more towards what
22 you're saying or natural plant life --

23 CHAIRMAN HOLTZMAN: They are obviously
24 trying to have an outdoor amenity as well. We
25 understand that. So they are looking for some -- if

1 our choice is a synthetic turf or hard scape, they
2 are capturing all of the water that comes off the
3 roof anyway. Is that correct?

4 MR. HIPOLIT: Yes.

5 I think if you are looking at synthetic
6 turf versus hard scape, you won't have a lot of
7 direct sunlight, so the heat produced by a synthetic
8 turf wouldn't be an issue.

9 So if you are trying to get more of an
10 outdoor amenity, you could use a hard scape or a
11 synthetic turf. They are both kind of the same --

12 COMMISSIONER WEAVER: Mr. Chairman?

13 CHAIRMAN HOLTZMAN: Yes.

14 COMMISSIONER WEAVER: They are
15 capturing all of the water coming off this roof
16 anyway?

17 CHAIRMAN HOLTZMAN: Yes, that's
18 correct.

19 COMMISSIONER WEAVER: Where is it
20 going?

21 CHAIRMAN HOLTZMAN: Into different
22 retention and detention systems.

23 COMMISSIONER WEAVER: Just part of a
24 switch, right -- yeah -- so the stormwater, you
25 know, they intercept the stormwater intervention

1 plan -- interception plan. They are accepting it.
2 They are holding it and they are releasing it at a
3 slow rate.

4 CHAIRMAN HOLTZMAN: Right. I think I
5 know where you are going with this is. Why can't
6 they also then use it, and I think it is Tom's
7 testimony that there are times of the year where
8 they potentially could. They obviously have to have
9 the pumps and everything else back in place, but
10 also there are times of the year where you are not
11 going to have the water.

12 COMMISSIONER WEAVER: Well, you size
13 the system, so that you know when you're -- so you
14 may be catching water --

15 CHAIRMAN HOLTZMAN: I think we are
16 redesigning their building a little too much.

17 I'm just thinking about, you know, what
18 is your thought I mean versus, you know, do they put
19 synthetic turf up there, so that there is an outdoor
20 play area for the kids?

21 COMMISSIONER WEAVER: I don't think we
22 can tell them they have to have a synthetic -- I
23 mean, I don't think that fits into their marketing
24 program. But I mean, yeah, they would have to have
25 additional tanks. I don't think you can exchange

1 the rainwater harvesting tanks for the stormwater
2 retention tanks in a swift, so you will have to have
3 more tanks, but then maybe the tanks -- it seems
4 like there is a lot of site area that's not being
5 dug up for basement, a tremendous amount in fact,
6 so --

7 MR. HIPOLIT: True.

8 CHAIRMAN HOLTZMAN: Tom, go ahead.

9 COMMISSIONER WEAVER: The area --

10 THE WITNESS: I appreciate all of the
11 comments in terms of -- and I think I understand
12 that the irrigation is something that you are
13 certainly concerned about in terms of a lawn. We
14 have plenty of other buildings that have a lawn like
15 this that are doing very well. I know, and I
16 understand that is really not the issue. You had
17 mentioned that. It's how the water is being used,
18 potable water versus rainwater harvesting.

19 It is a synthetic turf area versus a
20 real lawn. We are balancing that with an amenity
21 for the residents, so let us take a look at it.

22 CHAIRMAN HOLTZMAN: Okay.

23 THE WITNESS: Let us think about it.

24 COMMISSIONER WEAVER: I mean, we
25 haven't even discussed the evaporative cost of the

1 pool, right?

2 CHAIRMAN HOLTZMAN: We haven't gotten
3 on that roof yet. Let's keep moving.

4 THE WITNESS: Let's move up.

5 We are going to go up to the seventh
6 floor, which is A-11.

7 (Exhibit A-11 marked)

8 This rooftop includes private
9 residential terraces, which are roughly in size 13
10 by 28 feet.

11 The balance of the area is an extensive
12 green roof, which is shown in the green.

13 There is an additional area that is
14 mechanical. All right?

15 CHAIRMAN HOLTZMAN: Just detail the
16 green.

17 COMMISSIONER WEAVER: Extensive.

18 THE WITNESS: Extensive green roof
19 being a sedum roof, a rooftop, it's planted four
20 inches of engineered soil with sedum or succulents
21 that do very well in dry and wet situations. They
22 hold water. So when it rains, they hold that water
23 and they store it, and then slowly --

24 CHAIRMAN HOLTZMAN: Then they do not
25 require watering?

1 THE WITNESS: They do not. The sedum
2 green roof will require some water over the first
3 year to get it established, and then only during
4 real significant points of drought, you have to
5 irrigate it, but that would be --

6 CHAIRMAN HOLTZMAN: Is there some type
7 of a surround around the sedum to make sure that
8 there's no one that gets on them?

9 THE WITNESS: There is an edge around
10 there, a railing, so that when somebody comes out
11 and comes along a corridor, so to speak, an outdoor
12 corridor to provide access into one of the private
13 terraces. The private terrace, a terrace space that
14 a resident of the building could buy that --

15 CHAIRMAN HOLTZMAN: So is there --

16 THE WITNESS: -- terrace --

17 CHAIRMAN HOLTZMAN: -- is there a
18 railing around the sedum area?

19 THE WITNESS: That is correct. There's
20 a railing.

21 CHAIRMAN HOLTZMAN: How high is the
22 railing?

23 THE WITNESS: Just a 42-inch high
24 railing.

25 CHAIRMAN HOLTZMAN: Any questions on

1 11?

2 On we go.

3 THE WITNESS: We go up to the tenth
4 floor. This is the rooftop with the pool, which is
5 A-12.

6 (Exhibit A-12)

7 As was testified earlier to by the
8 architect, the pool located central to this
9 residential wing, the pool is 20 by 50. The pool
10 has terrace space around it, and then on top of some
11 of the bulkhead areas are again extensive green roof
12 plantings.

13 The other element is a common amenity
14 terrace located at northeast corner of that roof.

15 CHAIRMAN HOLTZMAN: What is detailed
16 out on that common amenity terrace?

17 THE WITNESS: So this space gained
18 access through the stair coming in the location
19 right here on the central to that space. There is
20 an outdoor barbecue grilling counter, and then a
21 two-sided glass fireplace with some lounge seating
22 associated with it --

23 COMMISSIONER WEAVER: And elevator
24 services --

25 THE WITNESS: -- tables and chairs, and

1 elevators, correct.

2 COMMISSIONER WEAVER: What is the
3 gray -- the sedum -- the extensive green roof at the
4 bottom of the south end --

5 THE WITNESS: This is actually down
6 below. This is at the sixth floor.

7 COMMISSIONER WEAVER: What is that
8 light gray color? What is that material?

9 THE WITNESS: This right along here?

10 COMMISSIONER WEAVER: Yes.

11 THE WITNESS: This is a bulkhead area,
12 so having to do with stairs and other elements that
13 come up and are above the roof level. The balance
14 of this space is some mechanical equipment,

15 COMMISSIONER WEAVER: Which would
16 preclude the planting of anything else?

17 THE WITNESS: That's correct.

18 So, you know, are we doing as much
19 landscaping on this roof as we can, are we making
20 the roofs as green as possible?

21 I truly believe that we are because
22 there are some areas where there is mechanical
23 equipment that we cannot just plant a green roof
24 right up against it. So early on in this process,
25 mechanical systems are still being refined, and our

1 experience is that we are providing adequate space
2 for systems for a building of this scale.

3 CHAIRMAN HOLTZMAN: Would the most
4 southern dark gray square that's on the sixth floor,
5 I think you said --

6 THE WITNESS: This is down at the sixth
7 floor, so there is a private terrace on that level
8 as well.

9 So additionally, in terms of planting,
10 on any of -- when I was on this lower roof here,
11 this seventh floor -- yeah, on the seventh floor,
12 all of these private terraces, certainly residents
13 are going to have planters up there. They are going
14 to have their own flowers, possibly tomato plants.

15 So I think what we are showing you here
16 is the minimal. There is potentially going to be
17 more. I don't want to quantify any of what
18 potentially some residents would do, but I think
19 there is going to be some of that that happens as
20 well. They are going to take ownership and create
21 their own little backyard there.

22 CHAIRMAN HOLTZMAN: Then we have one
23 more roof level?

24 THE WITNESS: We do. We are going up
25 to the 13th floor, which will be A-13.

1 (Exhibit A-13 marked.)

2 THE WITNESS: And this also has some
3 private terraces located on the northern side here
4 and then wrapping around on the east.

5 Again, bulkhead with some extensive
6 green roof, another area with some mechanicals with
7 an extensive green roof around it, and then another
8 amenity terrace with the same amenities as at the
9 tenth floor. Again, an outdoor fireplace and
10 barbecue counter with some tables and chairs.

11 CHAIRMAN HOLTZMAN: Questions or
12 comments from the Board?

13 COMMISSIONER WEAVER: How is this area
14 lighted? How are the roof areas lighted?

15 THE WITNESS: All of the roofs are lit
16 with bollard lights.

17 COMMISSIONER WEAVER: Fine.

18 Okay. They are not large?

19 CHAIRMAN HOLTZMAN: Nothing up on the
20 wall --

21 COMMISSIONER WEAVER: No cobra heads up
22 there?

23 THE WITNESS: No cobra heads. All
24 bollards.

25 (Laughter)

1 COMMISSIONER PINCHEVSKY: Chairman,
2 what's the process here?

3 Are we going to be calling -- wrapping
4 it up soon anyway?

5 CHAIRMAN HOLTZMAN: We are figuring
6 that out right now.

7 COMMISSIONER PINCHEVSKY: My question
8 then is: Are these professionals going to be
9 available, I'm assuming we will carry this over,
10 would they be available, all of them, at the next
11 meeting as well, should we have additional
12 questions?

13 CHAIRMAN HOLTZMAN: I am sure they will
14 be.

15 COMMISSIONER PINCHEVSKY: Thank you.

16 CHAIRMAN HOLTZMAN: Tom, does that
17 conclude your landscape testimony?

18 THE WITNESS: That does. That
19 concludes my testimony.

20 CHAIRMAN HOLTZMAN: Okay.

21 No questions or comments from the Board
22 at this point on the landscape?

23 A VOICE: I would like to ask some
24 questions --

25 CHAIRMAN HOLTZMAN: I don't think we

1 want to get into this yet --

2 A VOICE: -- I'm kind of curious --

3 CHAIRMAN HOLTZMAN: -- I think we would
4 be best to call it here at 10:30.

5 Mr. Pantel, would you agree with that?

6 MR. PANTEL: Yes.

7 CHAIRMAN HOLTZMAN: You are amenable to
8 carrying this meeting to our next meeting, and we
9 will not require notice.

10 Is that correct, Dennis?

11 MR. GALVIN: Correct.

12 MR. PANTEL: When will we carry this
13 to?

14 CHAIRMAN HOLTZMAN: Call it out, Pat.

15 MS. CARCONE: April 1st.

16 CHAIRMAN HOLTZMAN: April 1st.

17 MR. PANTEL: Can we check the calendar
18 for a second?

19 MS. CARCONE: We have the Verizon
20 application, 30 and 40 --

21 MR. GALVIN: This is going to take all
22 night, so how could we get the Verizon case in?

23 CHAIRMAN HOLTZMAN: We have not deemed
24 them complete yet, and the way they have been
25 going --

1 MR. GALVIN: All right.

2 COMMISSIONER WEAVER: They can't be
3 scheduled until they are deemed complete.

4 CHAIRMAN HOLTZMAN: That's right. They
5 are lower down on the list.

6 MR. GALVIN: Okay.

7 (Board members confer off the record)

8 CHAIRMAN HOLTZMAN: I just want to
9 confirm, are we okay, Mr. Pantel?

10 MR. PANTEL: Yes. I am good with that,
11 so --

12 CHAIRMAN HOLTZMAN: Guys, can we just
13 be quiet? We still have a meeting going on.

14 MR. PANTEL: -- can I check with my
15 witnesses for a moment?

16 CHAIRMAN HOLTZMAN: Absolutely.

17 MR. PANTEL: Okay. Thank you.

18 (Mr. Pantel confers with his witnesses)

19 (Board members conferring.)

20 MR. PANTEL: We are good with April 1,
21 seven p.m., the same location as we are in tonight,
22 no further notice.

23 CHAIRMAN HOLTZMAN: Correct.

24 MR. GALVIN: Same Bat time, same Bat
25 station.

1 COMMISSIONER MARKS: Channel.

2 (Laughter)

3 MR. PANTEL: We will have our witnesses
4 that evening.

5 CHAIRMAN HOLTZMAN: I appreciate your
6 time and your consideration.

7 MR. GALVIN: Motion, second and vote.

8 Did we vote, and I missed it?

9 CHAIRMAN HOLTZMAN: We didn't do
10 anything.

11 We are making a motion to accept the
12 carrying of this meeting to April 1st. No further
13 notice of this meeting will be required.

14 Is there a motion on the floor?

15 COMMISSIONER MARKS: So made.

16 CHAIRMAN HOLTZMAN: And a second?

17 CHAIRMAN GRAHAM: Second.

18 CHAIRMAN HOLTZMAN: Pat, please call
19 that vote.

20 MS. CARCONE: Commissioner Magaletta?

21 VICE CHAIR MAGALETTA: Yes.

22 MS. CARCONE: Commissioner Marks?

23 COMMISSIONER MARKS: Aye.

24 MS. CARCONE: Commissioner Forbes?

25 COMMISSIONER FORBES: Yes.

1 MS. CARCONE: Commissioner Bhalla?

2 COMMISSIONER BHALLA: Yes.

3 MS. CARCONE: Commissioner Graham?

4 COMMISSIONER GRAHAM: Yes.

5 MS. CARONE: Commissioner Pinchevsky?

6 COMMISSIONER PINCHEVSKY: Yes.

7 MS. CARCONE: Commisisoner Weaver?

8 COMMISSIONER WEAVER: Yes.

9 MS. CARCONE: Commissioner Conroy?

10 COMMISSIONER CONROY: Yes.

11 MS. CARCONE: Commissioner Holtzman?

12 CHAIRMAN HOLTZMAN: Yes.

13 Thank you.

14 We are not done, guys.

15 MR. GALVIN: We have to go into

16 executive session.

17 CHAIRMAN HOLTZMAN: Mr. Pantel, Dennis

18 has got something.

19 MR. GALVIN: Mr. Pantel, do you waive

20 the time in which the Board has to act until April

21 1st?

22 MR. PANTEL: Yes.

23 MR. GALVIN: Thank you so much.

24 MR. PANTEL: Thank you.

25 CHAIRMAN HOLTZMAN: Thank you, sir.

(The matter concluded at 10:30 p.m.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

C E R T I F I C A T E

I, PHYLLIS T. LEWIS, a Certified Court Reporter, Certified Realtime Court Reporter, and Notary Public of the State of New Jersey, do hereby certify that the foregoing is a true and accurate transcript of the testimony as taken stenographically by and before me at the time, place and date hereinbefore set forth.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel to any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in the action.

s/Phyllis T. Lewis, CCR, CRCR

PHYLLIS T. LEWIS, C.C.R. XI01333 C.R.C.R. 30XR15300
 Notary Public of the State of New Jersey
 My commission expires 11/5/2015.
 Dated: 3/6/14
 This transcript was prepared in accordance with
 NJAC 13:43-5.9.

CITY OF HOBOKEN
PLANNING BOARD

----- X
REGULAR MEETING OF THE HOBOKEN :March 4, 2014
PLANNING BOARD - EXECUTIVE SESSION : 10:30 p.m.
----- X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

Chairman Gary Holtzman
Vice Chair Frank Magaletta
Commissioner Ann Graham
Commissioner Rami Pinchevsky
Commissioner Dan Weaver
Commissioner Sasha Conroy

A L S O P R E S E N T:

David Glynn Roberts, AICP/PP, LLA, RLA
Board Planner

Andrew R. Hipolit, PE, PP, CME
Board Engineer.

Patricia Carcone, Board Secretary

PHYLLIS T. LEWIS
CERTIFIED SHORTHAND REPORTER
CERTIFIED REALTIME REPORTER
Phone: (732) 735-4522

1 A P P E A R A N C E S:

2 DENNIS M. GALVIN, ESQUIRE
3 730 Brewers Bridge Road
4 Jackson, New Jersey 08527
5 (732) 364-3011
6 Attorney for the Board.

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 CHAIRMAN HOLTZMAN: Let's just make
2 sure that we record who has left. Director Fores
3 has left. Councilman Bhalla has left, and
4 Commissioner Marks has left.

5 Commissioners, your attention, please.

6 Dennis has got the floor.

7 MR. GALVIN: Whereas, NJSA 10:4-12, the
8 Open Public Meetings Act, permits the exclusion of
9 the public from a meeting in certain circumstances
10 set forth in Paragraph B, and whereas this public
11 body is of the opinion that such circumstances
12 presently exist.

13 Now, therefore, be it resolved by the
14 Planning Board of the City of Hoboken, County of
15 Hudson, State of New Jersey, the public shall be
16 excluded from the following four discussions
17 hereinafter specified matters.

18 The general nature of the subject
19 matter to be discussed is as follows:

20 G: Matters concerning pending or
21 anticipated litigation with regard to the Shipyard
22 Pier 13 matter. It is anticipated at this time that
23 the above matter will be made public once all
24 litigation is concluded in this matter.

25 4: This resolution shall take effect

1 immediately.

2 So now we are going to go off the
3 record to go into executive session.

4 (Discussion held off the record)

5 CHAIRMAN HOLTZMAN: So we have closed
6 the executive session. We are now back on the
7 record.

8 Is there a motion to close the meeting?

9 VICE CHAIR MAGALETTA: Motion.

10 CHAIRMAN HOLTZMAN: Is there a second?

11 COMMISSIONER PINCHEVSKY: Second.

12 CHAIRMAN HOLTZMAN: All in favor?

13 (All Board members voted in the
14 affirmative.)

15 CHAIRMAN HOLTZMAN: Thank you.

16 MR. GALVIN: Thank you for your
17 patience.

18 (The meeting concluded at 11 p.m.)

19

20

21

22

23

24

25

C E R T I F I C A T E

I, PHYLLIS T. LEWIS, a Certified Court Reporter, Certified Realtime Court Reporter, and Notary Public of the State of New Jersey, do hereby certify that the foregoing is a true and accurate transcript of the testimony as taken stenographically by and before me at the time, place and date hereinbefore set forth.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel to any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in the action.

s/Phyllis T. Lewis, CCR, CRCR

PHYLLIS T. LEWIS, C.C.R. XI01333 C.R.C.R. 30XR15300
 Notary Public of the State of New Jersey
 My commission expires 11/5/2015.
 Dated: 3/6/14
 This transcript was prepared in accordance with
 NJAC 13:43-5.9.